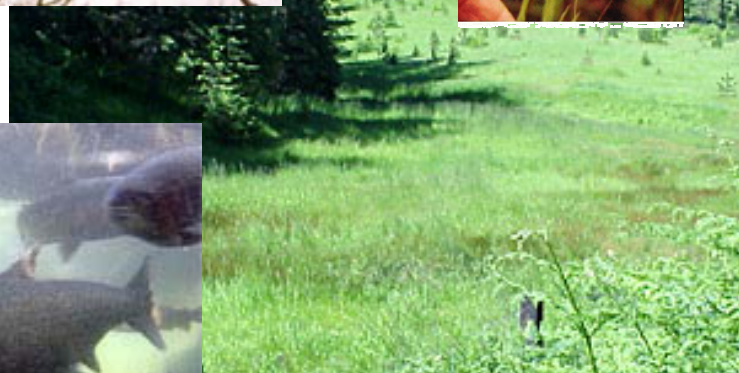


Environmental Reference Manual

For Water and Waste Projects



Committed to the future of rural communities.

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Committed to the future of rural communities.

UNITED STATES
DEPARTMENT OF
AGRICULTURE

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August 9, 2004

SUBJECT: Environmental Reference Manual for USDA Rural Development Financed
Water & Waste Projects in Idaho

TO: Engineers Working on USDA Rural Development Projects

The Idaho State Office of USDA, Rural Development has developed this Reference Manual for use by Engineer's working on projects partially or wholly funded by our agency. The manual contains guidance on developing environmental reports for water and waste projects.

All Rural Development instructions and bulletins can be copied and used as necessary.

Updates to the manual will be available on USDA Rural Developments Idaho website at <http://www.rurdev.usda.gov/id/RUSManuals.htm>. Updated sections within the manual will be highlighted in the bookmark portion of the PDF file. Before each project check the revision date of your manual or last download and, if necessary, download any updates. The updated sections can be printed and inserted into this bound hard copy.

If you have any questions concerning our program please contact the appropriate Area Office or the State Office for assistance.

Sincerely,

//Signed//

DANIEL H. FRASER
Director, Community Programs

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Environmental Reference Manual

For Water & Waste Projects

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SECTION 1

**RUS Instruction 1794 -
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PART 1794 - ENVIRONMENTAL POLICIES AND PROCEDURES (AMENDED)

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Authority: 7 U.S.C. 6941 et seq., 42 U.S.C. 4321 et seq.; 40 CFR Parts 1500-1508.

Subpart A - General

§1794.1 Purpose.

(a) This part contains the policies and procedures of the Rural Utilities Service (RUS) for implementing the requirements of the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321-4346); the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500 through 1508) and certain related Federal environmental laws, statutes, regulations, and Executive Orders (EO) that apply to RUS programs and administrative actions.

(b) The policies and procedures contained in this part are intended to help RUS officials make decisions that are based on an understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. In assessing the potential environmental impacts of its actions, RUS will consult early with appropriate Federal, State, and local agencies and other organizations to provide decision-makers with information on the issues that are truly significant to the action in question.

§1794.2 Authority.

(a) This part derives its authority from and is intended to be compliant with NEPA, CEQ Regulations for Implementing the Procedural Provisions of NEPA, and other RUS regulations.

(b) Where practicable, RUS will use NEPA analysis and documents and review procedures to integrate the requirements of related environmental statutes, regulations, and orders.

(c) This part integrates the requirements of NEPA with other planning and environmental review procedures required by law, or by RUS practice including but not limited to:

- (1) Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
- (2) The National Historic Preservation Act (16 U.S.C. 470 et seq.);
- (3) Farmland Protection Policy Act (7 U.S.C. 4201 et seq.);
- (4) E.O. 11593, Protection and Enhancement of the Cultural Environment (3 CFR, 1971 Comp., p. 154);
- (5) E.O. 11514, Protection and Enhancement of Environmental Quality (3 CFR, 1970 Comp., p. 104);
- (6) E.O. 11988, Floodplain Management (3 CFR, 1977 Comp., p. 117);
- (7) E.O. 11990, Protection of Wetlands (3 CFR, 1977 Comp., p. 121); and
- (8) E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (3 CFR, 1994 Comp., pg. 859).

(d) Applicants are responsible for ensuring that proposed actions are in compliance with all appropriate RUS requirements. Environmental documents submitted by the applicant shall be prepared under the oversight and guidance of RUS. RUS will evaluate and be responsible for the accuracy of all information contained therein.

§1794.3 Actions requiring environmental review.

The provisions of this part apply to actions by RUS including the approval of financial assistance pursuant to the Electric, Telecommunications, and Water and Waste Programs, the disposal of property held by RUS pursuant to such programs, and the issuance of new or revised rules, regulations, and bulletins. Approvals provided by RUS pursuant to loan contracts and security instruments, including approvals of lien accommodations, are not actions for the purposes of this part and the provisions of this part shall not apply to the exercise of such approvals.

§1794.4 Metric units.

RUS normally will prepare environmental documents using non-metric equivalents with one of the following two options; metric units in parentheses immediately following the non-metric equivalents or a metric conversion table as an appendix. Environmental documents prepared by or for a RUS applicant should follow the same format.

§1794.5 Responsible officials.

The Administrator of RUS has the responsibility for Agency compliance with all environmental laws, regulations, and EOs that apply to RUS programs and administrative actions. Responsibility for ensuring environmental compliance for actions taken by RUS has been delegated as follows:

(a) Electric and Telecommunications Programs. The appropriate Assistant Administrator is responsible for ensuring compliance with this part for the respective programs.

(b) Water and Waste Program. The Assistant Administrator for this program is responsible for ensuring compliance with this part at the national level. The State Director is the responsible official for ensuring compliance with this part for actions taken at the State Office level.

§1794.6 Definitions.

The following definitions, as well as the definitions contained in 40 CFR 1508 of the CEQ regulations, apply to the implementation of this part:

Applicant. The organization applying for financial assistance or other approval from either the Electric or Telecommunications programs or the organization applying for a loan or grant from the Water and Waste program.

Construction Work Plan (CWP). The document required by 7 CFR part 1710.

Emergency Situation. A natural disaster or system failure that may involve an immediate or imminent threat to public health, safety, or the human environment.

Environmental Report (ER). The environmental documentation normally submitted by applicants for proposed actions subject to compliance with §§1794.22 through 1794.24. An ER for the Water and Waste Program refers to the environmental review documentation normally included as part of the Preliminary Engineering Report.

Environmental review. Any one or all of the levels of environmental analysis described under subpart C of this part.

Equivalent Dwelling Unit (EDU). Level of water or waste service provided to a typical rural residential dwelling.

Distributed Generation. The generation of electricity by a sufficiently small electric generating system as to allow interconnection of the system near the point of service at distribution voltages or customer voltages. A distributed generating system may be fueled by any source, including but not limited to renewable energy sources.

Important Land Resources. Defined pursuant to the U.S. Department of Agriculture's Departmental Regulation 9500-3, Land Use Policy, as important farmland, prime forestland, prime rangeland, wetlands, and floodplains. Copies of this Departmental Regulation are available from USDA, Rural Utilities Service, Washington, D.C. 20250.

Loan Design. Document required by 7 CFR part 1737.

Multiplexing Center. A field site where a telecommunications provider houses a device that combines individual subscriber circuits onto a single system for economical connection with a switching center. The combiner, or "multiplexer," may be mounted on a pole, on a concrete pad, or in a partial or full enclosure such as a shelter, or small building.

Natural Resource Management Guide. Inventory of natural resources, land uses, and environmental factors specified by Federal, State, and local authorities as deserving some degree of protection or special consideration. The guide describes the standards or types of protection that apply.

Preliminary Engineering Report (PER). Document required by 7 CFR part 1780 for Water and Waste Programs. A PER is prepared by an applicant's engineering consultant documenting a proposed action's preliminary engineering plan and design and the applicable environmental review activities as required in this part. Upon approval by RUS, the PER, or a portion thereof, shall serve as the RUS environmental document.

Supervisory Control and Data Acquisition System (SCADA). Electronic monitoring and control equipment installed at electric substations and switching stations.

Third party Consultant. A party selected by RUS to prepare the EIS for proposed actions described in §1794.25 where the applicant initiating the proposal agrees to fund preparation of the document in accordance with the provisions of 7 CFR Part 1789, "Use of Consultants Funded by Borrowers" and Section 759A of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204b(b)).

§1794.7 Guidance.

(a) Electric and Telecommunications Programs. For further guidance in the preparation of public notices and environmental documents, RUS has prepared a series of program specific guidance bulletins. RUS Bulletin 1794A-600 provides guidance in preparing the ER for proposed actions classified as categorical exclusions (CEs) (§1794.22(a)). RUS Bulletin 1794A-601 provides guidance in preparing the ER for proposed actions which require EAs (§1794.23(b) and (c)). RUS Bulletin 1794A-603 provides guidance in conducting scoping for proposed actions classified as requiring an EA with scoping or an EIS. Copies of these bulletins are available upon request by contacting Rural Utilities Service, Publications Office, Program Development and Regulatory Analysis, Stop 1522; 1400 Independence Avenue, SW; Washington, D.C. 20250-1522.

(b) Water and Waste Program. RUS Bulletin 1794A-602 provides guidance in preparing the ER for proposed actions classified as CEs (§1794.22(b)) and EAs (§1794.23(b)). A copy of this bulletin is available upon request by contacting the appropriate State Director. State Directors may provide supplemental guidance to meet state and local laws and regulations and to provide for orderly application procedures and efficient service to applicants. State Directors shall obtain the Administrator's approval for all supplements to RUS Bulletin 1794A-602. Each State Office shall maintain an updated Natural Resource Management Guide and provide applicants with pertinent sections or a copy of the current edition thereof.

§§1794.8 - 1794.9 [Reserved]

Subpart B - Implementation of the National Environmental Policy Act

§1794.10 Applicant responsibilities.

As described in subpart C of this part, applicants shall prepare the applicable environmental documentation concurrent with a proposed action's engineering, planning, and design activities. RUS shall assist applicants by outlining the types of information required and shall provide guidance and oversight in the development of the documentation. Documentation shall not be considered complete until all public review periods, as applicable, have expired and RUS concurrence, as set forth in the appropriate decision document and associated public notice, has been issued.

§1794.11 Apply NEPA early in the planning process.

The environmental review process requires early coordination with and involvement of RUS. Applicants should consult with RUS at the earliest stages of planning for any proposal that may require RUS action. For proposed actions that normally require an EIS, applicants shall consult with RUS prior to obtaining the services of an environmental consultant.

§1794.12 Consideration of alternatives.

In determining what are reasonable alternatives, RUS considers a number of factors. These factors may include, but are not limited to, the proposed action's size and scope, state of the technology, economic considerations, legal and socioeconomic concerns, availability of resources, and the timeframe in which the identified need must be fulfilled.

§1794.13 Public involvement.

(a) In carrying out its responsibilities under NEPA, RUS shall make diligent efforts to involve the public in the environmental review process through public notices and public hearings and meetings.

(1) All public notices required by this part shall describe the nature, location, and extent of the proposed action and indicate the availability and location of additional information. They

shall be published in newspaper(s) of general circulation within the proposed action's area of environmental impact and the county(s) in which the proposed action will take place or such other places as RUS determines.

(2) The number of editions in which the notices should be published will be specified in the Bulletins referenced in §1794.7 or established on a project-by-project basis. Alternative forms of notice may also be necessary to ensure that residents located in the area affected by the proposed action are notified. The applicant should not publish notices for compliance with this Part until so notified by RUS.

(3) A copy of all comments received by the applicant concerning environmental aspects of the proposed action shall be provided to RUS in a timely manner. RUS and applicants shall assess and consider public comments both individually and collectively. Responses to public comments will be appended to the applicable environmental document.

(4) RUS and applicants shall make available to the public those project related environmental documents that RUS determines will enhance public participation in the environmental process. These materials shall be placed in locations convenient for the public as determined by RUS in consultation with applicants. Included with the documentation shall be a list of other project-related information that shall be available for inspection through a designated RUS or applicant contact person.

(5) Public hearings or meetings shall be held at reasonable times and locations concerning environmental aspects of a proposed action in all cases where, in the opinion of RUS, the need for hearings or meetings is indicated in order to develop adequate information on the environmental implications of the proposed action. Public hearings or meetings conducted by RUS will be coordinated to the extent practicable with other meetings, hearings, and environmental reviews which may be held or required by other Federal, state and local agencies. Applicants shall, as necessary, participate in all RUS conducted public hearings or meeting.

(6) Scoping procedures, in accordance with 40 CFR 1501.7, are required for proposed actions normally requiring an EA with scoping (§1794.24) or an EIS (§1794.25). RUS may require scoping procedures to be followed for other proposed actions where appropriate to achieve the purposes of NEPA.

(b) The applicant shall have public notices described in this section published in a newspaper(s). Applicants shall obtain proof of publication from the newspaper(s) for inclusion into the applicable environmental document. Where the proposed action requires an EIS RUS shall, in addition to applicant published notices, publish notice in the Federal Register. In all cases, RUS may publish notices in the Federal Register as appropriate.

§1794.14 Interagency involvement and coordination.

In an attempt to reduce or eliminate duplication of effort with state or local procedures, RUS will, to the extent possible and in accordance with 40 CFR 1506.2, actively participate with any governmental agency to cooperatively or jointly prepare environmental documents so that one document will comply with all applicable laws. Where RUS has agreed to participate as a cooperating agency, in accordance with 40 CFR 1501.6, RUS may rely upon the lead agency's procedures for implementing NEPA procedures. In addition, RUS shall request that:

(a) The lead agency indicates that RUS is a cooperating agency in all NEPA-related notices published for the proposed action;

(b) The scope and content of the EA or EIS satisfies the statutory and regulatory requirements applicable to RUS; and

(c) The applicant shall inform RUS in a timely manner of its involvement in a proposed action where another Federal agency is preparing an environmental document so as to permit RUS to adequately fulfill its duties as a cooperating agency.

§1794.15 Limitations on actions during the NEPA process.

(a) General. Until RUS concludes its environmental review process, the applicant shall take no action concerning the proposed action which would have an adverse environmental impact or limit the choice of reasonable alternatives being considered in the environmental review process (40 CFR 1506.1). The RUS environmental review process is concluded when:

(1) A categorical exclusion determination has been made for proposals listed under §§1794.21 and 1794.22.

(2) Applicant notices announcing the RUS FONSI determination have been published for proposals listed under §§1794.23 and 1794.24.

(3) Applicant notices announcing the RUS Record of Decision have been published for proposals listed under §1794.25.

(b) Electric Program. In determining which applicant activities related to a proposed action can proceed prior to completion of the environmental review process, RUS must determine, among other matters that:

(1) The activity shall not have an adverse environmental impact and shall not preclude the search for other alternatives. For example, purchase of water rights, optioning or transfer of land title, or continued use of land as historically employed will not have an adverse environmental impact. However, site preparation or construction at or near the proposed site (e.g. rail spur) or development of a related facility (e.g. opening a captive mine) normally will have an adverse environmental impact.

(2) Expenditures are minimal. To be minimal, the expenditure must not exceed the amount of loss which the applicant could absorb without jeopardizing the Government's security interest in the event the proposed action is not approved by the Administrator, and must not compromise the objectivity of RUS environmental review. Notwithstanding other considerations, expenditures equivalent to up to 10 percent of the proposed action's cost normally will not compromise RUS objectivity. Expenditures for the purpose of producing documentation required for RUS environmental review are excluded from this limitation.

§1794.16 Tiering.

It is the policy of RUS to prepare programmatic level analysis in order to tier an EIS and an EA where:

(a) It is practicable, and

(b) There will be a reduction of delay and paperwork, or where better decision making will be fostered (40 CFR 1502.20).

§1794.17 Mitigation.

(a) General. In addition to complying with the requirements of 40 CFR 1502.14(f), it is RUS policy that a discussion of mitigative measures essential to render the impacts of the proposed action not significant will be included in or referenced in the Finding of No Significant Impact (FONSI) and the Record of Decision (ROD).

(b) Water and Waste Program.

(1) Mitigation measures which involve protective measures for environmental resources cited in this part or restrictions or limitations on real property located in the service areas of the proposed action shall be negotiated with applicants and any relevant regulatory agency so as to be enforceable. All mitigation measures incorporating land use issues shall recognize the rights and responsibilities of landholders in making private land use decisions and recognize the responsibility of governments in influencing how land may be used to meet public needs.

(2) Mitigation measures shall be included in the letter of conditions.

(3) RUS has the responsibility for the post approval construction or security inspections or monitoring to ensure that all mitigation measures included in the environmental documents have been implemented as specified in the letter of conditions.

§§1794.18 - 1794.19 [Reserved]

Subpart C - Classification of Proposals

§1794.20 Control.

Electric and Telecommunications Programs. For environmental review purposes, RUS has identified and established categories of proposed actions (§§1794.21 through 1794.25). An applicant may propose to participate with other parties in the ownership of a project where the applicant(s) does not have sufficient control to alter the development of the project. In such a case, RUS shall determine whether the applicant participants have sufficient control and responsibility to alter the development of the proposed project prior to determining its classification. Where the applicant proposes to participate with other parties in the ownership of a proposed project and all applicants cumulatively own:

- (a) Five percent or less of a project is not considered a Federal action subject to this part;
- (b) Thirty-three and one-third percent or more of a project shall be treated in its usual category;
- (c) More than five percent but less than 33-1/3 percent of a project, RUS shall determine whether the applicant participants have sufficient control and responsibility to alter the development of the proposal such that RUS's action will be considered a Federal action subject to this part. Consideration shall be given to such factors as:
 - (1) Whether construction would be completed regardless of RUS financial assistance or approval;
 - (2) The stage of planning and construction;
 - (3) Total participation of the applicant;
 - (4) Participation percentage of each utility; and
 - (5) Managerial arrangements and contractual provisions.

§1794.21 Categorically excluded proposals without an ER.

(a) General. Certain types of actions taken by RUS do not normally require an ER. Proposed actions within this classification are:

- (1) The issuance of bulletins and information publications that do not concern environmental matters or substantial facility design, construction, or maintenance practices;
- (2) Procurement activities related to the operation of RUS;
- (3) Personnel and administrative actions; and
- (4) Repairs made because of an emergency situation to return to service damaged facilities of an applicant's system.

(b) Electric and Telecommunications Programs. Applications for financial assistance for the types of proposed actions listed in this paragraph (b) normally do not require the submission of an ER. These types of actions are subject to the requirements of §1794.31. Applicants shall sufficiently-identify all proposed actions so their proper classification can be determined. Detailed descriptions shall be provided for each proposal noted in this section. RUS normally requires additional information in addition to a description of what is being proposed, to ensure that proposals are properly classified. In order to provide for extraordinary

circumstances, RUS may require development of an ER for proposals listed in this section. Proposed actions within this classification are:

- (1) Purchase of land where use shall remain unchanged, or the purchase of existing water rights where no associated construction is involved;
- (2) Additional or substitute financial assistance for proposed actions which have previously received environmental review and approval from RUS, provided the scope of the proposal and environmental considerations have not changed;
- (3) Rehabilitation or reconstruction of transportation facilities within existing rights-of-way (ROW) or generating facility sites. A description of the rehabilitation or reconstruction shall be provided to RUS;
- (4) Changes or additions to microwave sites, substations, switching stations, telecommunications switching or multiplexing centers, buildings, or small structures requiring new physical disturbance or fencing of less than one acre (0.4 hectare). A description of the additions or changes and the area to be impacted by the expansion shall be provided to RUS;
- (5) Internal modifications or equipment additions (e.g., computer facilities, relocating interior walls) to structures or buildings;
- (6) Internal or minor external changes to electric generating or fuel processing facilities and related support structures where there is negligible impact on the outside environment. A description of the changes shall be provided to RUS;
- (7) Ordinary maintenance or replacement of equipment or small structures (e.g., line support structures, line transformers, microwave facilities, telecommunications remote switching and multiplexing sites);
- (8) The construction of telecommunications facilities within the fenced area of an existing substation, switching station, or within the boundaries of an existing electric generating facility site. A description of the facilities to be constructed shall be provided to RUS;
- (9) SCADA and energy management systems involving no new external construction;
- (10) Testing or monitoring work (e.g., soil or rock core sampling, monitoring wells, air monitoring);
- (11) Studies and engineering undertaken to define proposed actions or alternatives sufficiently so that environmental effects can be assessed;
- (12) Construction of electric power lines within the fenced area of an existing substation, switching station, or within the boundaries of an electric generating facility site;
- (13) Contracts for certain items of equipment which are part of a proposed action for which RUS is preparing an EA or EIS, and which meet the limitations on actions during the NEPA process as established in 40 CFR 1506.1(d) and contained in §1794.15(b)(2);
- (14) Rebuilding of power lines or telecommunications cables where road or highway reconstruction requires the applicant to relocate the lines either within or adjacent to the new road or highway easement or right-of-way. A description of the facilities to be constructed shall be provided to RUS;
- (15) Phase or voltage conversions, reconductoring or upgrading of existing electric distribution lines, or telecommunication facilities. A description of the facilities to be constructed shall be provided to RUS;
- (16) Construction of new power lines, substations, or telecommunications facilities on industrial or commercial sites, where the applicant has no control over the location of the new facilities. Related off-site facilities would be treated in their normal category. A description of the facilities to be constructed shall be provided to RUS;
- (17) Participation by an applicant(s) in any proposed action where total applicant financial participation will be five percent or less;
- (18) Construction of a battery energy storage system at an existing generating station or substation site. A description of the facilities to be constructed shall be provided to RUS.

(19) Additional bulk commodity storage (e.g., coal, fuel oil, limestone) within existing generating station boundaries. A certification attesting to the current state of compliance of the existing facilities and a description of the facilities to be added shall be provided to RUS;

(20) Proposals designed to reduce the amount of pollutants released into the environment (e.g., precipitators, baghouse or scrubber installations, and coal washing equipment) which will have no other environmental impact outside the existing facility site. A description of the facilities to be constructed shall be provided to RUS;

(21) Construction of standby diesel electric generators (one megawatt or less total capacity) and associated facilities, for the primary purpose of providing emergency power, at an existing applicant headquarters or district office, telecommunications switching or multiplexing site, or at an industrial, commercial or agricultural facility served by the applicant. A description of the facilities to be constructed shall be provided to RUS;

(22) Construction of onsite facilities designed for the transfer of ash, scrubber wastes, and other byproducts from coal-fired electric generating stations for recycling or storage at an existing coal mine (surface or underground). A description of the facilities to be constructed shall be provided to RUS;

(23) Changes or additions to an existing water well system, including new water supply wells and associated pipelines within the boundaries of an existing well field or generating station site. A description of the changes or additions shall be provided; and

(24) Repowering or uprating of an existing unit(s) at a fossil-fueled generating station in order to improve the efficiency or the energy output of the facility. Repowering or uprating that results in increased fuel consumption or the substitution of one fuel combustion technology with another is excluded from this classification.

(25) Electric generating facilities of less than 100 kilowatts at any one site for the purpose of providing service to customers or facilities such as stock tanks, oil wells, and irrigation pumps.

(26) New bulk commodity storage and associated handling facilities within existing fossil-fueled generating station boundaries for the purpose of co-firing biofuels and refuse derived fuel. A description of the facilities to be constructed shall be provided to RUS.

(c) Water and Waste Program. Applications for financial assistance for certain proposed actions do not normally require the submission of an ER. Applicants shall sufficiently identify all proposed actions so their proper classification can be determined. These types of actions are subject to the requirements of §1794.31. In order to provide for extraordinary circumstances, RUS may require development of an ER for proposals listed in this section. Proposed actions within this classification are:

(1) Management actions relating to invitation for bids, award of contracts, and the actual physical commencement of construction activities;

(2) Proposed actions that primarily involve the purchase and installation of office equipment or motorized vehicles;

(3) The award of financial assistance for technical assistance, planning purposes, environmental analysis, management studies, or feasibility studies; and

(4) Loan closing and servicing activities that do not alter the purpose, operation, location, or design of the proposal as originally approved, such as subordinations, amendments and revisions to approved actions, and the provision of additional financial assistance for cost overruns.

§1794.22 Categorically excluded proposals requiring an ER.

(a) Electric and Telecommunications Programs. Applications for financial assistance for the types of proposed actions listed in this section normally require the submission of an ER and are subject to the requirements of §1794.32. Proposed actions within this classification are:

(1) Construction of electric power lines and associated facilities designed for or capable of operation at a nominal voltage of either:

- (i) Less than 69 kilovolts (kV);
- (ii) Less than 230 kV if no more than 25 miles (40.2 kilometers) of line are involved; or
- (iii) 230 kV or greater involving no more than three miles (4.8 kilometers) of line;

(2) Construction of buried and aerial telecommunications lines, cables, and related facilities;

(3) Construction of microwave facilities, SCADA, and energy management systems involving no more than five acres (2 hectares) of physical disturbance at any single site;

(4) Construction of cooperative or company headquarters, maintenance facilities, or other buildings involving no more than 10 acres (4 hectares) of physical disturbance or fenced property;

(5) Changes to existing transmission lines that involve less than 20 percent pole replacement, or the complete rebuilding of existing distribution lines within the same ROW. Changes to existing transmission lines that require 20 percent or greater pole replacement will be considered the same as new construction;

(6) Changes or additions to existing substations, switching stations, telecommunications switching or multiplexing centers, or external changes to buildings or small structures requiring one acre (0.4 hectare) or more but no more than five acres (2 hectares) of new physically disturbed land or fenced property;

(7) Construction of substations, switching stations, or telecommunications switching or multiplexing centers requiring no more than five acres (2 hectares) of new physically disturbed land or fenced property;

(8) Construction of distributed generation totaling 10 MW or less at an existing utility, industrial, commercial or educational facility site. There is no capacity limit for a electric generating facility located at or adjacent to an existing landfill site that is powered by refuse derived fuel. All new associated facilities and related electric power lines shall be covered in the ER;

(9) Installation of new generating units or the replacement of existing generating units at a hydroelectric facility or dam which result in no change in the normal maximum surface area or normal maximum surface elevation of the existing impoundment. All new associated facilities and related electric power lines shall be covered in the ER;

(10) Construction of new water supply wells and associated pipelines not located within the boundaries of an existing well field or generating station site; and

(11) Purchase of existing facilities or a portion thereof where use or operation will remain unchanged. The results of a facility environmental audit can be substituted for the ER.

(12) Installing a heat recovery steam generator and steam turbine with a rating of 200 MW or less on an existing combustion turbine generation site for the purpose of combined cycle operation. All new associated facilities and related electric power lines shall be covered in the ER.

(b) Water and Waste Program. For certain proposed actions, applications for financial assistance normally require the submittal of an ER as part of the PER. These types of actions are subject to the requirements of §1794.32. Proposed actions within this classification are:

(1) Rehabilitation of existing facilities, functional replacement or rehabilitation of equipment, or the construction of new ancillary facilities adjacent or appurtenant to existing facilities, including but not limited to, replacement of utilities such as water or sewer lines and appurtenances for existing users with modest or moderate growth potential, reconstruction of curbs and sidewalks, street repaving, and building modifications, renovations, and improvements;

(2) Facility improvements to meet current needs with a modest change in use, size, capacity, purpose or location from the original facility. The proposed action must be designed for predominantly residential use with other new or expanded users being small-scale, commercial enterprises having limited secondary impacts;

(3) Construction of new facilities that are designed to serve not more than 500 EDUs and with modest growth potential. The proposed action must be designed for predominantly residential use with other users being small-scale, commercial enterprises having limited secondary impacts;

(4) The extension, enlargement or construction of interceptors, collection, transmission or distribution lines within a one-mile (1.6-kilometer) limit from existing service areas estimated from any boundary listed as follows:

(i) The corporate limits of the community being served;

(ii) If there are developed areas immediately contiguous to the corporate limits of a community, the limits of these developed areas; or

(iii) If an unincorporated area is to be served, the limits of the developed areas;

(5) Installation of new water supply wells or water storage facilities that are required by a regulatory authority or standard engineering practice as a backup to existing production well(s) or as reserve for fire protection;

(6) Actions described in §1794.21(c)(4) which alter the purpose, operation, location, or design of the proposed action as originally approved, and such alteration is equivalent in magnitude or type as described in (b)(1) through (b)(5) of this section; and

(7) The lease or disposal of real property by RUS, which may result in a change in use of the real property in the reasonably foreseeable future and such change, is equivalent in magnitude or type as described in paragraph (b)(1) through (b)(5).

(c) Specialized criteria for not granting a CE for Water and Waste Projects. An EA must be prepared if a proposed action normally classified as a CE meets any of the following:

(1) Will either create a new or relocate an existing discharge to or a withdrawal from surface or ground waters;

(2) Will result in substantial increases in the volume or the loading of pollutants from an existing discharge to receiving waters;

(3) Will cause a substantial increase in the volume of withdrawal from surface or ground waters at an existing site; or

(4) Would provide capacity to serve more than 500 EDUs or a 30 percent increase in the existing population whichever is larger.

§1794.23 Proposals normally requiring an EA.

RUS will normally prepare an EA for all proposed actions which are neither categorical exclusions (§§1794.21 and 1794.22) nor normally requiring an EIS (§1794.25). For certain actions within this class, scoping and document procedures contained in §§1794.50 through 1794.54 shall be followed (see §1794.24). The following are proposed actions which normally require an EA and shall be subject to the requirements of §§1794.40 through 1794.44.

(a) General. Issuance or modification of RUS regulations concerning environmental matters.

(b) Telecommunications and Water and Waste Programs. An EA shall be prepared for applications for financial assistance for all proposed actions not specifically defined as a CE or otherwise specifically categorized by the Administrator on a case-by-case basis.

(c) Electric Program. Applications for financial assistance for certain proposed actions normally require the preparation of an EA. Proposed actions falling within this classification are:

(1) Construction of fuel cell, combustion turbine, combined cycle, or diesel generating facilities of 50 MW (nameplate rating) or less at a new site (no existing generating capacity)

except for items covered by §1794.22(a)(8). All new associated facilities and related electric power lines shall be covered in the EA;

(2) Construction of fuel cell, combustion turbine, combined cycle, or diesel generating facilities of 100 MW (nameplate rating) or less at an existing generating site, except for items covered by §1794.22(a)(8). All new associated facilities and related electric power lines shall be covered in the EA;

(3) Construction of any other type of new electric generating facilities of 20 MW (nameplate rating) or less, except for items covered by §1794.22(a)(8). All new associated facilities and related electric power lines shall be covered in the EA;

(4) Repowering or uprating of an existing unit(s) at a fossil-fueled generating station where the existing fuel combustion technology of the affected unit(s) is substituted for another (e.g. coal or oil-fired boiler is converted to a fluidized bed boiler or replaced with a combustion turbine unit);

(5) Installation of new generating units at an existing hydroelectric facility or dam, or the replacement of existing generating units at a hydroelectric facility or dam which will result in a change in the normal maximum surface area or normal maximum surface elevation of the existing impoundment. All new associated facilities and related electric power lines shall be covered in the EA;

(6) A new drilling operation or the expansion of a mining or drilling operation;

(7) Construction of cooperative headquarters, maintenance, and equipment storage facilities involving more than 10 acres (4 hectares) of physical disturbance or fenced property;

(8) The construction of electric power lines and related facilities designed for and capable of operation at a nominal voltage of 230 kV or more involving more than three miles (4.8 kilometers) but not more than 25 miles (40 kilometers) of line;

(9) The construction of electric power lines and related facilities designed for or capable of operation at a nominal voltage of 69 kV or more but less than 230 kV where more than 25 miles (40 kilometers) of power line are involved;

(10) The construction of substations or switching stations requiring greater than five acres (2 hectares) of new physical disturbance at a single site; and

(11) Construction of facilities designed for the transfer and storage of ash, scrubber wastes, and other byproducts from coal-fired electric generating stations that will be located beyond the existing facility site boundaries.

(12) Installing a heat recovery steam generator and steam turbine with a rating of more than 200 MW on an existing combustion turbine generation site for the purpose of combined cycle operation. All new associated facilities and related electric power lines shall be covered in the EA.

(13) Construction of a natural gas pipeline to serve an existing gas-fueled generating facility.

§1794.24 Proposals normally requiring an EA with scoping.

(a) General. Applications for financial assistance for certain proposed actions require the use of a scoping procedure in the development of the EA. These types of actions are subject to the requirements of §§1794.50 through 1794.54. RUS has the discretion to modify or waive the requirements listed in §1794.52 for a proposed action in this category.

(b) Electric Program. Proposed actions falling within this classification are:

(1) The construction of electric power lines and related facilities designed for and capable of operation at a nominal voltage of 230 kV or more where more than 25 miles (40 kilometers) of power line are involved;

(2) Construction of fuel cell, combustion turbine, combined cycle, and diesel generating facilities of more than 50 MW at a new site or more than 100 MW at an existing site; and the

construction of any other type of electric generating facility of more than 20 MW but not more than 50 MW (nameplate rating). All new associated facilities and related electric power lines shall be covered in any EA or EIS that is prepared.

(c) Telecommunications and Water and Waste Programs. There are no actions normally falling within this classification.

§1794.25 Proposals normally requiring an EIS.

Applications for financial assistance for certain proposed actions that may significantly affect the quality of the human environment shall require the preparation of an EIS.

(a) Electric Program. An EIS will normally be required in connection with proposed actions involving the following types of facilities:

(1) New electric generating facilities of more than 50 MW (nameplate rating) other than, fuel cell, combustion turbine, combined cycle, or diesel generators. All new associated facilities and related electric power lines shall be covered in the EIS; and

(2) A new mining operation when the applicants have effective control (e.g., dedicated mine or purchase of a substantial portion of the mining equipment).

(b) Proposals listed above are subject to the requirements of §§1794.60, 1794.61, 1794.63, and 1794.64. Preparation of a supplemental draft or final EIS in accordance with 40 CFR 1502.9 shall be subject to the requirements of §§1794.62 and 1794.64.

(c) Telecommunications and Water and Waste Programs. No groups or sets of proposed actions normally require the preparation of an EIS. The environmental review process, as described in this part, shall be used to identify those proposed actions for which the preparation of an EIS is necessary. If an EIS is required, RUS shall proceed directly to its preparation. Prior completion of an EA is not mandatory.

§§1794.26 - 1794.29 [Reserved]

Subpart D - Procedure for Categorical Exclusions

§1794.30 General.

The procedures of this subpart which apply to proposed actions classified as CEs in §§1794.21 and 1794.22 provide RUS with information necessary to determine if the proposed action meets the criteria for a CE. Where, because of extraordinary circumstances, a normally categorically excluded action may have a significant effect on the quality of the human environment, RUS may require additional environmental documentation.

§1794.31 Classification.

(a) Electric and Telecommunications Programs. RUS will normally determine the proper environmental classification of projects based on its evaluation of the project description set forth in the construction work plan or loan design which the applicant is required to submit with its application for financial assistance. Each project must be sufficiently described to ensure its proper classification. RUS may require the applicant to provide additional information on a project where appropriate.

(b) Water and Waste Program. RUS will normally determine the proper environmental classification for projects based on its evaluation of the preliminary planning and design information.

§1794.32 Environmental report.

(a) For proposed actions listed in §1794.21(b) and (c), the applicant is normally not required to submit an ER.

(b) For proposed actions listed in §1794.22(a) and (b), the applicant shall normally submit an ER. Guidance in preparing the ER for Electric and Telecommunication proposals is contained in RUS Bulletin 1794A-600. Guidance in preparing the ER for Water and Waste proposals is contained in RUS Bulletin 1794A-602. The applicant may be required to publish public notices and provide evidence of such if the proposed action is located in, impacts, or converts important land resources.

§1794.33 Agency action.

RUS may act on an application for financial assistance upon determining, based on the review of documents as set forth in §1794.32 and such additional information as RUS deems necessary, that the project is categorically excluded.

§§1794.34 - 1794.39 [Reserved]

Subpart E - Procedure for Environmental Assessments

§1794.40 General.

This subpart applies to proposed actions described in §1794.23. Where appropriate to carry out the purposes of NEPA, RUS may impose, on a case-by-case basis, additional requirements associated with the preparation of an EA. If at any point in the preparation of an EA, RUS determines that the proposed action will have a significant effect on the quality of the human environment, the preparation of an EIS shall be required and the procedures in subpart G of this part shall be followed.

§1794.41 Document requirements.

Applicants will provide an ER in accordance with the appropriate guidance documents referenced in §1794.7. After RUS has evaluated the ER and has determined the ER adequately addresses all applicable environmental issues, the ER will normally serve as RUS' EA. However, RUS reserves the right to prepare its own EA from the information provided in the ER. RUS will take responsibility for the scope and content of an EA.

§1794.42 Notice of availability.

Prior to RUS making a finding in accordance with §1794.43 and upon RUS authorization and guidance, the applicant shall have a notice published which announces the availability of the EA and solicits public comments on the EA.

§1794.43 Agency finding.

If RUS finds, based on an EA that the proposed action will not have a significant effect on the quality of the human environment, RUS will prepare a FONSI. Upon authorization of RUS, the applicant shall have a notice published which informs the public of the RUS finding and the availability of the EA and FONSI. The notice shall be prepared and published in accordance with RUS guidance.

§1794.44 Timing of agency action.

RUS may take its final action on proposed actions requiring an EA (§1794.23) at any time after publication of the applicant notices that a FONSI has been made and any required review period has expired. When substantive comments are received on the EA, RUS may provide an additional period (15 days) for public review following the publication of its FONSI determination. Final action shall not be taken until this review period has expired.

§§1794.45 - 1794.49 [Reserved]

Subpart F - Procedure for Environmental Assessments With Scoping

§1794.50 Normal sequence.

For proposed actions covered by §1794.24 and other actions determined by the Administrator to require an EA with Scoping, RUS and the applicant will follow the same procedures for scoping and the requirements for notices and documents as for proposed actions normally requiring an EIS through the point where project scoping has been completed. Following project scoping, RUS will make a judgment to have an EA prepared or contract for the preparation of an EIS.

§1794.51 Preparation for scoping.

(a) As soon as practicable after RUS and the applicant have developed a schedule for the environmental review process, RUS shall have its notice of intent to prepare an EA or EIS and schedule scoping meetings (§1794.13) published in the Federal Register (see 40 CFR 1508.22). The applicant shall have published, in a timely manner, a notice similar to RUS' notice.

(b) As part of the early planning, the applicant should consult with appropriate Federal, state, and local agencies to inform them of the proposed action, identify permits and approvals which must be obtained, and administrative procedures which must be followed.

(c) Before formal scoping is initiated, RUS will require the applicant to submit an Alternative Evaluation Study and either a Siting Study (generation) or a Macro-Corridor Study (transmission lines).

(d) The applicant is encouraged to hold public information meetings in the general location of the proposed action and any reasonable alternatives when such applicant meetings will make the scoping process more meaningful. A written summary of the comments made at such meetings must be submitted to RUS as soon as practicable after the meetings.

§1794.52 Scoping meetings.

(a) Both RUS and the applicant shall have a notice published which announces a public scoping meeting is to be conducted, either in conjunction with the notice of intent or as a separate notice.

(b) The RUS notice shall be published in the Federal Register at least 14 days prior to the meeting(s). The applicant's notice shall be published in a newspaper at least 10 days prior to the meeting(s). Other forms of media may also be used by the applicant to notice the meetings.

(c) Where an environmental document is the subject of the hearing or meeting, that document will be made available to the public at least 10 days in advance of the meeting.

(d) The scoping meeting(s) will be held in the area of the proposed action at such place(s) as RUS determines will best afford an opportunity for public involvement. Any person or representative of an organization, or government body desiring to make a statement at the meeting may make such statement in writing or orally. The format of the meeting may be one of two styles. It can either be of the traditional style which features formal presentations followed by a comment period, or the open house style in which attendees are able to individually obtain information on topics or issues of interest within an established time period. The applicant or its consultant shall prepare a record of the scoping meeting. The record shall consist of a transcript when a traditional meeting format is used or a summary report when an open house format is used.

(e) As soon as practicable after the scoping meeting(s), RUS, as lead agency, shall determine the significant issues to be analyzed in depth and identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review. RUS will develop a proposed scope for further environmental study and review. RUS shall send a copy of this proposed scope to cooperating agencies and the applicant, and allow recipients 30 days to comment on the scope's adequacy and emphasis. After expiration of the 30-day period, RUS shall provide written guidance to the applicant concerning the scope of environmental study to be performed and information to be gathered.

§1794.53 Environmental report.

(a) After scoping procedures have been completed, RUS shall require the applicant to develop and submit an ER. The ER shall be prepared under the supervision and guidance of RUS staff and RUS shall evaluate and be responsible for the accuracy of all information contained therein.

(b) The applicant's ER will normally serve as the RUS EA. After RUS has reviewed and found the ER to be satisfactory, the applicant shall provide RUS with a sufficient number of copies of the ER to satisfy the RUS distribution plan.

(c) The ER shall include a summary of the construction and operation monitoring and mitigation measures for the proposed action. These measures may be revised as appropriate in response to comments and other information, and shall be incorporated by summary or reference into the FONSI.

§1794.54 Agency determination.

Following the scoping process and the development of a satisfactory ER by the applicant or its consultant that will serve as the agency's EA, RUS shall determine whether the proposed action is a major Federal action significantly affecting the quality of the human environment. If RUS determines the action is significant, RUS will continue with the procedures in subpart G of this part. If RUS determines the action is not significant, RUS will proceed in accordance with §§1794.42 through 1794.44. For proposals subject to the procedures of subpart F, RUS shall publish notices in the Federal Register that announce the availability of the EA and solicit public comments on the EA (refer to §1794.42) and the RUS finding and the availability of the EA and FONSI (refer to §1794.43).

§§1794.55 - 1794.59 [Reserved]

Subpart G - Procedure for Environmental Impact Statements

§1794.60 Normal sequence.

For proposed actions requiring an EIS (see §1794.25), the NEPA process shall proceed in the same manner as for proposed actions requiring an EA with scoping through the point at which the scoping process is completed (see §1794.52).

§1794.61 Environmental impact statement.

An EIS shall be prepared in accordance with 40 CFR part 1502. Funding, in whole or in part, for an EIS can be obtained from any lawful source (e.g., cooperative agreements developed in accordance with Section 759A, Federal Agricultural Improvement and Reform Act of 1996, Pub. L. 104-127 and 31 U.S.C. 6301). A third-party consultant selected by RUS and funded by the applicant (7 CFR part 1789) may prepare the EIS.

(a) After a draft or final EIS has been prepared, RUS and the applicant shall concurrently have a notice of availability for the document published. The time period allowed for review will

be a minimum of 45 days for a draft EIS and 30 days for a final EIS. This period is measured from the date that the U.S. Environmental Protection Agency (EPA) publishes a notice in the Federal Register in accordance with 40 CFR 1506.10.

(b) In addition to circulation required by 40 CFR 1502.19, the draft and final EIS (or summaries thereof, at RUS discretion) shall be circulated to the appropriate state, regional, and metropolitan clearinghouses.

(c) Where a final EIS does not require substantial changes from the draft EIS, RUS may document required changes through errata sheets, insertion pages, and revised sections to be incorporated into the draft EIS. In such cases, RUS shall circulate such changes together with comments on the draft EIS, responses to comments, and other appropriate information as its final EIS. RUS will not circulate the draft EIS again, although RUS will provide the draft EIS if requested within 30 days of publication of notice of availability of the final EIS.

§1794.62 Supplemental EIS.

(a) A supplement to a draft or final EIS shall be prepared, circulated, and given notice by RUS and the applicant in the same manner (exclusive of scoping) as a draft and final EIS (see §1794.61).

(b) Normally RUS and the applicant will have published notices of intent to prepare a supplement to a final EIS in those cases where a ROD has already been issued.

(c) RUS, at its discretion, may issue an information supplement to a final EIS where RUS determines that the purposes of NEPA are furthered by doing so even though such supplement is not required by 40 CFR 1502.9(c)(1). RUS and the applicant shall concurrently have a notice of availability published. The notice requirements shall be the same as for a final EIS and the information supplement shall be circulated in the same manner as a final EIS. RUS shall take no final action on any proposed modification discussed in the information supplement until 30 days after the RUS notice of availability or the applicant's notice is published, whichever occurs later.

§1794.63 Record of decision.

(a) Upon completion of the review period for a final EIS, RUS will have its ROD prepared in accordance with 40 CFR 1505.2.

(b) Separate RUS and applicant notices of availability shall be published concurrently. The notices shall summarize the RUS decision and announce the availability of the ROD. Copies of the ROD will be made available upon request from the point of contact identified in the notice.

§1794.64 Timing of agency action.

(a) RUS may take its final action or execute commitments on proposed actions requiring an EIS or Supplemental EIS at any time after the ROD has been published.

(b) For budgetary purposes some financial assistance may be approved conditionally with a stipulation that no funds shall be advanced until a ROD has been prepared.

§§1794.65 - 1794.69 [Reserved]

Subpart H - Adoption of Environmental Documents

§1794.70 General

This subpart covers the adoption of environmental documents prepared by other Federal agencies. Where applicants participate in proposed actions for which an EA or EIS has been

prepared by or for another Federal agency, RUS may adopt the existing EA or EIS in accordance with 40 CFR 1506.3.

§1794.71 Adoption of an EA.

RUS may adopt a Federal EA or EIS or a portion thereof as its EA. RUS shall make the EA available and assure that notice is provided in the same manner as if RUS had prepared the EA.

§1794.72 Adoption of an EIS.

(a) Where RUS determines that an existing Federal EIS requires additional information to meet the standards for an adequate statement for RUS proposed action, RUS may adopt all or a portion of the EIS as a part of its draft EIS. The circulation and notice provisions for a draft and final EIS (see §1794.61) apply.

(b) If RUS was not a cooperating agency but determines that another Federal agency's EIS is adequate, RUS shall adopt that agency's EIS as its final EIS. RUS and the applicant shall have separate notices published advising of RUS adoption of the EIS and independent determination of its adequacy.

(c) If the adopted EIS is generally available and meets RUS standards, RUS shall have a public notice published informing the public of its action and availability of the EIS to interested parties upon request. If the adopted EIS is not generally available, RUS shall have a public notice published informing the public of its action and will circulate copies of the EIS in accordance with 40 CFR 1502.19 and 40 CFR 1506.3.

§1794.73 Timing of agency action.

Where RUS has adopted another agency's environmental documents, the timing of the action shall be subject to the same requirements as if RUS had prepared the required EA or EIS.

§1794.74 Incorporation of environmental materials.

RUS may incorporate into its environmental documents, environmental documents or portions thereof prepared by state, or local agencies or other parties for purposes other than compliance with the requirements of NEPA. RUS will circulate the incorporated documents as a part of its EA or draft and final EIS in the same manner as if prepared by RUS.

§1794.75 - 1794.79 [Reserved]

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SECTION 2

**RUS Bulletin 1794A-602 –
Guide for Preparing the Environmental
Report for Water & Waste Projects**

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RUS Bulletin 1794A-602

December 1998

Version 1.0

GUIDE FOR PREPARING THE ENVIRONMENTAL REPORT FOR WATER AND WASTE PROJECTS

**ENGINEERING AND ENVIRONMENTAL STAFF
RURAL UTILITIES SERVICE
U.S. DEPARTMENT OF AGRICULTURE**

The most current version of this document can be downloaded from the environmental section of <http://www.usda.gov/rus/water/ees/index.htm>.

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Abbreviations and Acronyms

Selected Abbreviations and Acronyms			
ACHP	Advisory Council on Historic Preservation	HUD	U.S. Department of Housing and Urban Development
BACT	Best Available Control Technology	NEPA	National Environmental Policy Act
BIA	Bureau of Indian Affairs	NHPA	National Historic Preservation Act
BLM	Bureau of Land Management	NMFS	National Marine Fisheries Service
CBRS	Coastal Barrier Resources System	NOAA	National Oceanic and Atmospheric Administration
CD	Compact Disk	NPDES	National Pollutant Discharge Elimination System
CE	Categorical Exclusion	NPS	National Park Service
CEQ	Council on Environmental Quality	NRCS	Natural Resources Conservation Service
CFR	Code of Federal Regulations	OSHA	Occupational Safety and Health Administration
CMP	Coastal Management Program	PER	Preliminary Engineering Report
CZMA	Coastal Zone Management Act	ROW	Right-of-Way
DR	Departmental Regulation	RD/RUS	Rural Development, Rural Utilities Service
EA	Environmental Assessment	SIP	State Implementation Plan
EIS	Environmental Impact Statement	§	Section
ER	Environmental Report	SHPO	State Historic Preservation Officer
E.O.	Executive Order	THPO	Tribal Historic Preservation Officer
ESA	Endangered Species Act of 1973	U.S.C.	United States Code
et seq.	<i>et sequentia</i> (and those that follow)	USACE	U.S. Army Corps of Engineers
FAA	Federal Aviation Administration	USDA	U.S. Department of Agriculture
FEMA	Federal Emergency Management Agency	USDOT	U. S. Department of Transportation
FHA	Federal Highway Administration	USEPA	U.S. Environmental Protection Agency
FIRM	Floodplain Insurance Rate Map	USFS	U.S. Forest Service
FONSI	Finding of No Significant Impact	USFWS	U.S. Fish and Wildlife Service
FPPA	Farmland Protection Policy Act	USGS	U.S. Geological Survey
FR	Federal Register	WWW	World Wide Web

1.0 INTRODUCTION

In applying for financial assistance from the Rural Development, Rural Utilities Service's (RD/RUS) loan and grant programs, the applicant will, in conjunction with preparing a Preliminary Engineering Report (PER) (see 7 CFR 1780.33 (c)), submit an Environmental Report (ER) to support the RD/RUS's environmental review process as required by the National Environmental Policy Act (NEPA). This Bulletin provides guidance on preparing the ER, specifically:

- The format for the ER.
- The environmental issues that need to be considered during a proposed project's planning and design.
- The sources for locating the required information.
- Methods and information regarding public notices and involvement.

An explanation of the procedure that is normally followed by the applicant and RD/RUS for a proposed project is shown in Figure 1 below.

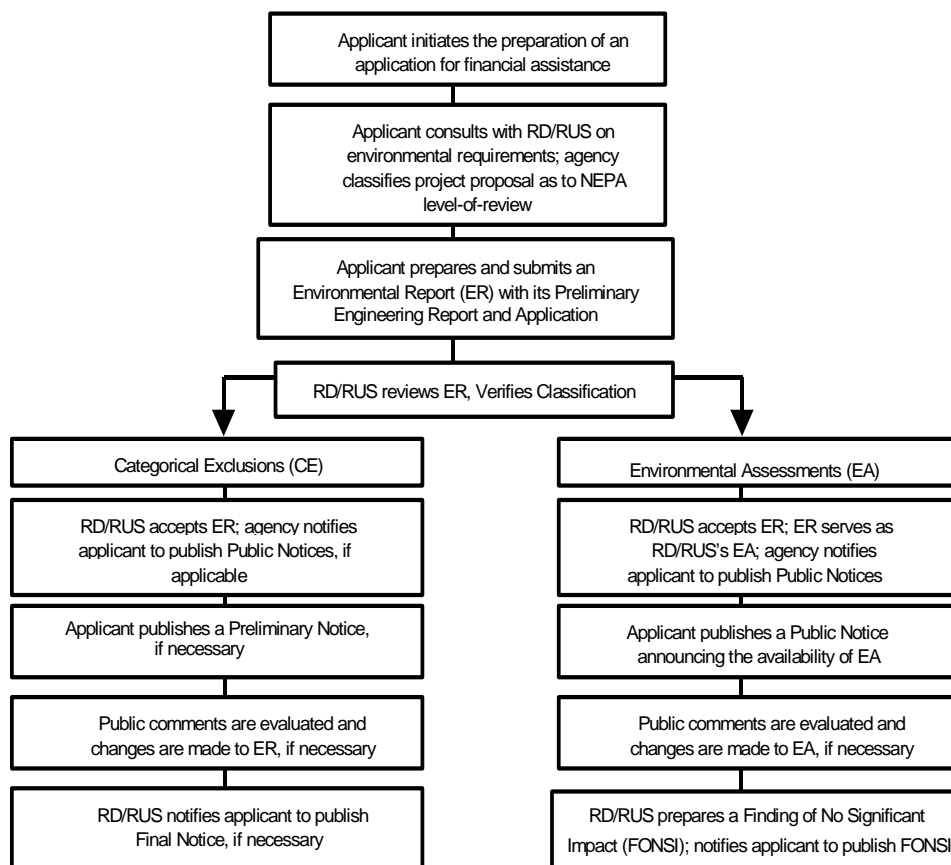


Figure 1

1.1 National Environmental Policy Act

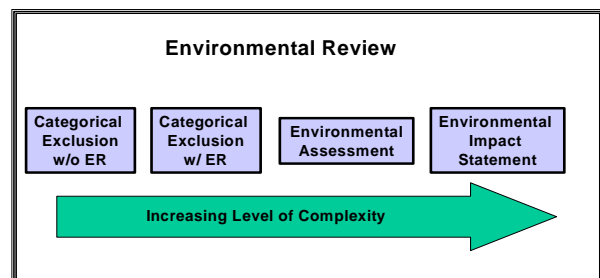
As its name implies, the NEPA establishes the Federal government's environmental policy. Its primary goal is to help public officials make decisions that are based on an understanding of the environmental consequences of their actions, and to take actions that protect, restore, and enhance the environment. To accomplish this, NEPA requires Federal agencies to either prepare or have prepared written assessments or statements that describe the:

- Affected environment and environmental consequences of a proposed project;
- Reasonable or practicable alternatives to the proposed project; and
- Any mitigation measures necessary to avoid or minimize adverse environmental effects.

In accordance with NEPA, the CEQ has issued regulations (40 Code of Federal Regulations (CFR) 1500 – 1508) establishing a standard Federal environmental review process. Three levels of environmental reviews were established:

- Categorical Exclusions,
- Environmental Assessments, and
- Environmental Impact Statements.

In accordance with the CEQ regulations, RD/RUS's Water and Environmental Program has classified its actions, that is to provide financial assistance, within these levels of review with one modification. Certain RD/RUS actions categorized as Categorical Exclusions (CE) are split into those that do not require an ER and those that do require an ER.



1.2 Environmental Report

The ER prepared by applicants will enable RD/RUS to evaluate the environmental effects of those proposed projects that are classified as either CEs or Environmental Assessments (EA). It will also enable RD/RUS to fulfill its requirements under NEPA and other environmental mandates.

An ER must be sufficiently detailed to enable RD/RUS to:

- Establish the purpose and assess the need for the proposed project;
- Determine if all reasonable alternatives to the proposed project have been appropriately considered;
- Evaluate the environmental effects of the proposed project and the alternatives considered;
- Assess the significance of those effects;

- Specify mitigation measures where necessary.

As per the CEQ regulations, all planning and other environmental review procedures shall be integrated so that they run concurrently rather than consecutively. Therefore, the ER will normally be prepared with and included as part of the PER. However, because the ER may become a public document it needs to be a stand-alone document. The ER and PER will be reviewed and approved concurrently by the Rural Development State Environmental Coordinator and State Engineer. ERs not found acceptable will be returned to applicants for the resolution of outstanding concerns.

Even though applicants are required to integrate and consider environmental values during a proposed project's planning and design, it is RD/RUS's ultimate responsibility to independently evaluate and verify the accuracy of the information supplied in the ER. RD/RUS takes final responsibility for the scope and content of the resulting environmental document.

In order to expedite the application process and RD/RUS's review and approval of a proposed project, applicants are strongly encouraged to consult early and frequently with Rural Development staff to ensure that all environmental issues are described, evaluated, and impacts appropriately considered.

The information presented and the analyses performed relative to environmental issues in the ER will allow RD/RUS to determine the level of significance of the environmental effects of the proposed project. The significance of the impacts identified will enable RD/RUS to determine whether the impacts can be mitigated or if a higher level of environmental review is required for a proposed project (i.e. from a CE to an EA or from an EA to an Environmental Impact Statement (EIS)). The information provided must be sufficient for RD/RUS to determine that its Federal action (providing financial assistance) will not conflict with other environmental statutes, implementing regulations, policies, procedures, and Executive Orders (E.O.) that are applicable to the proposed project.

Key features of an ER:

- Descriptions and discussions should be clear and complete enough so that a person with little previous knowledge of the proposed project can make an independent environmental review and easily verify the accuracy of the information and conclusions drawn from such information. Maximum use of maps depicting location of project components and environmental resources is crucial to expediting this review.
- Where conclusions are made, sufficient documentation must be presented to substantiate them.
- Any environmental concerns that are raised by Federal, State, or local agencies or the public must be addressed as completely as possible and resolved before the ER will be considered complete.
- All environmental documentation submitted to or received from Federal, State, or local agencies shall be referenced, as appropriate, and included in the ER.

- RD/RUS, can not substitute another Federal, State, or local agency's decision for its environmental decision. RD/RUS must still make its own independent decision and when applicable so inform the public. RD/RUS will inform the applicant when public notices are required; applicants will be expected to publish the public notices in newspapers of local circulation.

1.3 Relationship of Environmental Report to the Preliminary Engineering Report

RD/RUS requires that applicants to the Agency's loan and grant program submit with its application a PER and an ER. The environmental review process is to be performed concurrently with an applicant's engineering planning and design activities. It is also RD/RUS's policy to minimize duplication of effort and paperwork. Since engineering planning and design activities and the environmental review process are so intricately linked, this Bulletin and the guides for preparing PER in 7 CFR 1780 (Bulletins 1780-2 through 1780-5) request similar types of information. To minimize duplication of effort, it is sufficient to provide reference to environmental information from the ER in the PER. This is necessary because the environmental documentation must be a stand-alone document for public involvement requirements.

1.4 Public Involvement

A key element of the NEPA environmental review process is public involvement. Public involvement activities for CEs and EAs normally include publishing notices for a prescribed length of time. Several of the environmental statutes and E.O.s considered under RD/RUS's environmental review process also requires public notices. See Section 5.0 for specific public notice requirements and sample public notices. In most cases applicants will be informed by the RD, Processing Office what and when to publish public notices.

1.5 RD/Rural Utilities Service's Decision

RD/RUS's environmental review process must be completed before RD/RUS can make a decision regarding the approval of a proposed project. RD/RUS's decision to provide financial assistance will culminate by the obligation of loan and grant funds. RD/RUS's environmental decision will be one of the following:

1. The proposed project meets the classification of a CE and RD/RUS will complete a CE form to document that the proposal does not individually or cumulatively have a significant effect on the human environment and, for which, neither an EA nor an EIS is required.
2. The proposed project meets the classification of an EA and RD/RUS, after appropriate public review, will prepare a Finding of No Significant Impact (FONSI) to document that the proposal does not individually or cumulatively have a significant effect on the human environment and that an EIS is not required. The FONSI will be published to notify the public of RD/RUS's decision.
3. The project will require an EIS to fully evaluate the potential for significant environmental effects to the human environment or to address substantive public

concerns. In accordance with 40 CFR 1506.5, "Agency Responsibility" and to avoid potential conflicts of interest, applicants will not be allowed to prepare environmental documentation for an EIS. If a determination is made that an EIS is required, RD/RUS will be responsible for initiating the document.

1.6 Project Changes Subsequent to Approval

In some cases during the bidding and contracting of RD/RUS approved projects, facility design and proposed construction activities change from the approved PER and environmental review documentation. If any facility design or proposed construction activities deviate from those contained in the approved documents applicants may be required to undertake additional environmental review activities which may include subsequent environmental regulatory agency review and concurrence, and potentially even follow-on public notices. If this is the case, applicants shall contact the Rural Development State Environmental Coordinator or Processing Office to determine what additional environmental review requirements would be applicable.

1.7 Sources of Information

Throughout this Bulletin various World Wide Web (WWW) addresses, or websites, are given for sources of information. These websites often provide some very useful and current information such as

regulatory requirements, guidance suggestions, resource listings, and contact addresses and telephone

CHECK OUR WEBSITE FOR THE MOST
CURRENT VERSION OF THIS DOCUMENT -
<http://www.usda.gov/rus/water/ees/index.htm>

numbers for information and assistance. Often these websites will provide links to other websites that can also be helpful in preparing an ER. You are encouraged to take advantage of these resources. RD/RUS maintains a list of useful web sites on its website.

If, during the preparation of an ER, a question arises concerning what is needed, the Rural Development staff should be contacted for advice. Similarly, the applicant should consult with RD/RUS immediately when it appears that a proposed project may have significant environmental effects, is controversial for environmental reasons, or if any regulatory agency raises a significant concern or does not concur with any conclusions drawn during the environmental review process.

Environmental compliance issues can be complex and varied, particularly as they relate to NEPA compliance. In addition to this Bulletin and the guidance it contains, Rural Development has developed a series of interactive multimedia instruction on Compact Disks (CD) that cover most of the environmental statutes, regulations, and E.O.s considered in its NEPA compliance process. These CDs are available to applicants and their engineering consultants; for copies contact the Rural Development State Environmental Coordinator or the Director, Engineering and Environmental Staff (for address and telephone numbers see <http://www.usda.gov/rus/water/ees/index.htm>). In addition RD/RUS maintains an Environmental Compliance Library at its web site (<http://www.usda.gov/rus/water/ees/environ.htm>) that contains either text copies of or

information to links for most of the environmental statutes, regulations, and E.O.s pertinent to RD/RUS's NEPA compliance process.

2.0 FORMAT OF THE ENVIRONMENT REPORT

The general format of an ER is as follows:

- 1.0 Purpose and Need of Project
- 2.0 Alternatives to the Project Action
- 3.0 Affected Environment/Environmental Consequences
- 4.0 Summary of Mitigation
- 5.0 Correspondence
- 6.0 Exhibits

Characteristics of the ER are to:

- Minimize repetition and the inclusion of extraneous background information. Reference supporting material, where appropriate.
- Emphasize real environmental issues. Only include information relevant to the proposed project and which is useful to RD/RUS decisionmakers and the public in understanding the environmental consequences of the proposed project.
- Present the information in a clear, concise manner, minimizing the use of long narratives. Bulleted lists, summary or comparative tables, maps and diagrams are preferable and will expedite RD/RUS's review.

2.1 Level of Detail

The amount of information and level of analysis provided in the ER should be commensurate with the magnitude of construction activities and their potential level of impact. For example, simple statements regarding a particular issue can be made for proposed projects classified as CEs where minimal environment effects are expected. The statement should assert the conclusion drawn from the analysis referencing the information used to support the conclusion. If a proposed project will not convert a floodplain, simply state so and provide the number designation and a copy of the Federal Emergency Management Agency (FEMA), FIRM(s) (FIRM) or Flood Boundary and Floodway Map(s) (with the facility depicted on the map) that was reviewed or, if a FEMA map is unavailable, list the soil units mapped on the USDA, Natural Resources Conservation Service's (NRCS) soil survey map and provide a copy of the appropriate soil survey sheet. Likewise, a more detailed level of information and analysis will be necessary to support any conclusions reached for proposed project classified as an EA and where proposed construction activities are more involved and complex.

2.2 Maps

The use of maps, photographs and diagrams will improve the ER's clarity and greatly expedite RD/RUS's review process. For large projects and reference purposes, USGS topographic maps (1:24,000) should be used to show the location of lines and appurtenances. For all proposed projects, NRCS Soil Survey maps (1:15,840 or

1:20,000) should be used to depict all site-specific construction activities, such as facilities or utility lines. The environmental resources that are readily apparent on soil survey maps include: wetlands (hydric soils), floodplains, stream crossings, important farmland, land use trends, geodetic information (Range, Township, section numbers), and vegetative cover. Vegetative cover is potentially useful in critical habitat determinations for threatened and endangered species. Where proposed projects include construction in or close to floodplains, facility locations should be drawn on FEMA FIRMs; if FEMA maps are unavailable facility locations should be drawn on soil survey maps. All of the above activities can be drawn by hand on the described maps.

2.3 Format of Environmental Report

For a more detailed description of the Table of Contents of an ER see Exhibit E. The following section numbers correspond to the appropriate numbers in the ER.

1.0 Purpose and Need for Project

This section will succinctly describe the proposed project and establish the underlying purpose and need to which RD/RUS is responding. This section has two subsections.

1.1 Project Description (Proposed Action or Proposed Project)

Provide a description of the proposed project summarizing all proposed facility improvements and construction activities. Commonly referred to in NEPA and the CEQ regulations as the proposed action.

1.2 Purpose and Need of Project

This subsection shall establish the underlying purpose of the proposed project and the need to which RD/RUS is responding. Therefore it is necessary to clearly and definitively demonstrate the purpose and establish a need for the project. The information will also be used to determine what reasonable or practicable alternatives need to be evaluated in the ER. In addition this section should state what would be the consequences of not implementing the proposed project, which is referred to in NEPA as the No Action alternative.

2.0 Alternatives to the Proposed Action

In planning and developing a proposed project, applicants shall explore all reasonable alternatives that could satisfy and are consistent with the purpose and need of the project. Alternatives may include:

- Engineering design alternatives,
- Siting locations of facilities,
- System capacities, etc.

As the engineering planning and design and environmental review is developed, various alternatives may be evaluated and ultimately determined to be unreasonable for various technical or financial reasons. In this section of the ER, outline the reasonable alternatives considered and present the evaluation factors considered in judging each alternative's ability to met the described purpose and need of the proposed project.

All relevant factors that contribute to the decisionmaking process shall be included, for example, technical and economic feasibility issues, environmental considerations, or mitigation measures. The evaluation and weighting criteria assigned in analyzing the proposed project and the alternatives considered should be summarized and presented in a comparative table.

3.0 Affected Environment/Environmental Consequences

This section of the ER will:

- Describe and document the environmental resources of the area to be affected by the proposed project and each alternative considered.
- Discuss the environmental consequences of each affected resource.
- Establish and discuss any mitigation measure(s) necessary to avoid or minimize any adverse impacts to a specific environmental resource.

Only alternatives determined to be reasonable need to be analyzed in this section.

The typical process to document and consider effects to environmental resources is:

1. Describe the area(s) to be affected by the proposed project and each alternative considered. Affected areas may correspond to the service area of the proposed project. Alternatives may have different affected areas. Include maps outlining the affected area(s) showing the location of all proposed construction.
2. Identify the environmental resources in the described affected area(s). Applicants, as necessary, will be required to consult with appropriate environmental regulatory agencies to identify the environmental resources in the affected areas and, in addition, to review any conclusions drawn from an analysis of the proposed project's potential effect to these resources. Agency contacts or websites where preliminary information can be found is discussed in Section 4.0.

3. Discuss the environmental effects or consequences of the proposed project and each alternative considered. All direct, indirect and, if applicable, cumulative effects need to be identified and discussed. Some of the impacts may be viewed as adverse, while others may be viewed as beneficial. For some actions, data may be unavailable or insufficient to make a determination of an effect to an environmental resource, if so, clearly state the situation. Otherwise clearly describe all effects or consequences to all environmental resources whatever they may be. For specific guidance of the extent to which effects (direct, indirect and cumulative) need to be discussed, applicants should contact the Rural Development State Environmental Coordinator or Processing Office.
4. Identify potential mitigation measures that may be necessary to avoid or minimize any adverse effects caused by the proposed project and each alternative considered. Any and all mitigation measures need to be developed with an applicable environmental regulatory agency and be developed so as to be enforceable.

Section 3.0 in this Bulletin provides more detail on the following environmental resources to be evaluated.

- Land Use/ Important Farmland/ Formally Classified Land
- Floodplains
- Wetlands
- Cultural Resources
- Biological Resources
- Water Quality Issues
- Coastal Resources
- Socio-Economic/ Environmental Justice Issues
- Miscellaneous Issues

Each of the above environmental resources shall have its own subchapter in the ER listing the affected environment, environmental consequences and mitigation measures for each resource. For example:

- 3.1 Land Use/Important Farmland/Formally Classified Lands
 - 3.1.1 Affected Environment
 - 3.1.2 Environmental Consequences
 - 3.1.3 Mitigation

See Exhibit E for a more detailed description of the Table of Contents for the ER.

4.0 Summary of Mitigation

This section of the ER shall summarize proposed mitigation measures described in Section 3.0 of this Bulletin. Describe implementing criteria

of mitigation measures and how each measure will be enforced. A table format is useful in presenting the evaluation.

5.0 Correspondence and Coordination

As specified in Section 3.0 of this Bulletin, many of the environmental issues evaluated require coordination with State or Federal environmental regulatory agencies. All correspondence that is related to this coordination should be included in this section of the ER.

6.0 Exhibits

Attach supporting documents, maps, photographs, etc.

3.0 ENVIRONMENTAL INFORMATION AND REQUIREMENTS

This section provides the following information:

- The environmental resources that must be considered and the basis for the consideration;
- The type of information that must be provided in the ER;
- Potential information sources for each environmental resource.

This information and analysis must be documented in the ER:

The provisions of specific Federal environmental statutes, regulations, and E.O.s may be applicable to proposed projects for which the ER is being prepared. A list of such statutes, regulations, and E.O.s has been included in Exhibit D. This listing includes the title and citation for each item. These documents or links to websites where these documents can be found are located on the environmental section of the RD/RUS, Engineering and Environmental Staff (EES) website (<http://www.usda.gov/rus/water/ees/environ.htm>).

In preparing an ER, there are two distinct actions that are normally necessary. The first action is to collect information to determine if any environmental resources occur in the area to be affected by the proposed project and any of the alternatives considered. If these resources are present, applicants must evaluate whether or not the proposed project has the potential to affect these resources. If it is determined that the proposed project will directly or indirectly affect any environmental resource, the applicant's second action is to submit a summary of the analyses and conclusions regarding these potential effects to the agencies that have regulatory jurisdiction over these resources. If adverse impacts are expected, applicants may need to negotiate and coordinate potential mitigation measures that will avoid or minimize these impacts with these agencies. If at any time the impacts are determined to be significant an EIS may be necessary. Consult with the Rural Development State Environmental Coordinator for a determination of what constitutes "significant".

In order to accomplish the two actions described above, the applicant may need to consult directly with agencies on two different occasions. Depending on the resource in question, the first consultation will be the collection of basic information on the presence

of environmental resources in the affected areas of proposed projects. This effort may be completed directly with agencies or by using information obtained from Internet resources. Then, and again depending on the environmental resource, certain agencies must be consulted to concur with any conclusions drawn on whether environmental resources will be directly or indirectly affected by the proposed project. If there is no practicable alternative to a conversion or if there is a potential for an adverse effect to a resource, appropriate mitigation measures must be evaluated and included as part of the project design and in the ER.

If during the planning and design of the proposed project it is concluded that there is no other practicable alternative than to convert or adversely impact an environmental resource, the applicant must demonstrate and justify this assertion to RD/RUS's satisfaction. In some cases even RD/RUS's concurrence with a proposed project's adverse impact may not be sufficient for project approval; agencies with jurisdiction over the resource must in some cases concur with the proposed impact. For example, RD/RUS's policy is to not directly or indirectly support development in floodplains. Therefore, RD/RUS will not finance projects that propose to construct facilities in a floodplain unless it can be determined that there is no other practicable alternative. Applicants asserting the claim of no practicable alternative have the burden of demonstrating and justifying the validity of their claim to RD/RUS's satisfaction.

The ER will not be considered complete until all proper coordination has been completed with appropriate Federal and State environmental regulatory agencies. To facilitate the ER, applicants should contact agencies early and follow-up regularly. Failure to contact applicable agencies will result in the return of the ER for revisions and delay RD/RUS's overall processing of the applicant's application for financial assistance.

Normally, the best sources for data collection and information are Federal, State, and local agencies that have jurisdiction over a particular environmental resource. Documents transmitting or receiving information from these agencies or a record of conversations or meetings with agencies should be included in the ER. More detailed information on agency contacts is presented in Section 4.0.

The above discussion is not meant to imply that the applicant must always contact all listed agencies before RD/RUS will consider the acceptability of an ER. In certain instances, a specific environmental law clearly does not apply because of the project's geographic location (e.g., the Coastal Zone Management Act (CZMA) does not apply in Idaho). If previous environmental contacts with an agency established that the type of construction in question has no environmental effect, a specific review may not be necessary, however a statement regarding this fact needs to be documented in the ER. Thus, an applicant need not request comment and input from all of the agencies listed under each issue for every project. The Rural Development State Environmental Coordinator or Processing Office can provide detailed guidance on specific proposed projects.

The ER should indicate the source for data presented, analyses performed using such data, conclusions reached, and evidence of proper coordination for each environmental

resource identified and evaluated. In performing the analysis, three types of environmental effects or impacts should be evaluated:

- Direct effects;
- Indirect effects; and
- Cumulative effects.

Applicants need to be aware of these three types of impacts when discussing the effects or impacts their proposed project has on the environmental issues listed below.

Environmental Information Summary				
Section	Environmental Resource	Primary Contact	Secondary Contact	Type of Information
3.1	Land Use			
3.1.1	General Land Use	Local/Regional/State planning agencies		Zoning, land use classifications
3.1.2	Important Farmland, Prime Rangeland and Forest Land	NRCS, USFS	State agencies	Soil surveys
3.1.3	Formally classified lands	NPS, BLM, USFS, BIA, State agencies	USACE	Monuments, landmarks, wild and scenic rivers, wilderness areas, State or national parks, reservations, recreational areas
3.2	Floodplains	FEMA	State/local agencies NRCS, USACE,	Flood insurance maps, soil surveys
3.3	Wetlands	NRCS, USACE	USFWS	Soil surveys, National Wetland Inventory maps, and Section 404 issues.
3.4	Cultural resources	SHPO, THPO	NPS, BLM, USFS Local or State historical group.	Historic and archaeological sites. Visually sensitive areas
3.5	Biological resources	USFWS, NMFS	State Agencies	Threatened and endangered species, anadromous species, critical habitats, species of special concern
3.6	Water quality	State agencies, USEPA	USEPA	Discharge permits Water appropriation permits Sole source aquifers
3.7	Coastal resources	State CMP agencies, USFWS	NOAA	Coastal barrier resource maps/ coastal zone management planning documents
3.8	Socio- Economic/ Environmental Justice	Census Bureau, Demographics, State/ local agencies	Local civic organizations	Economic Data, Location of minority and low-income populations
3.9	Miscellaneous Issues			
3.9.1	Air quality	State agencies	USEPA	State Implementation Plan
3.9.2	Transportation	FAA, State Highway Department	USDOT, Local/Regional/State planning agencies	Airports, highway safety, navigation hazards
3.9.3	Noise	Local/Regional/State planning agencies	USEPA, OSHA, FAA	Noise levels/restrictions

Direct effects are caused by the action and occur at the same time and place (e.g. construction activities). Indirect effects are those caused by the action and are later in time or further removed in distance, but are still reasonably foreseeable (e.g. impacts

caused by growth induced by the project). Cumulative effects result from the incremental impact of the proposed project when added to other past, present, and future actions regardless of who undertakes such other actions (e.g. effects of the interaction of this project with other past, present, and future activities in the area. (A good example would be the effect of a proposed project's well field for ground water appropriations where it is only one of many well fields that utilize an aquifer of limited size or recharge.)

3.1 Land Use

Decisions concerning land use arise from needs to accommodate needed growth and development; prevent unwarranted and costly sprawl; avoid unwarranted conversion of farm, range, and forest lands and wetlands from existing uses and encroachment on floodplains; provide or improve community services and facilities; assure appropriate environmental quality; assure adequate supplies of suitable-quality water; and provide for proper waste disposal in rural areas. It is USDA's policy to promote land use objectives responsive to current and long-term economic, social, and environmental needs and discourage the unwarranted conversion of important land resources to other uses. In general, USDA supports and promotes compact community development by discouraging the unwarranted expansion of the peripheral boundaries of existing settlements.

As part of the ER, the compatibility of the proposed project and the alternatives considered with existing land use and land use plans should be discussed, as well as, possible land use changes that may result from implementing the proposed project. Land use issues are divided into three categories:

- General land use;
- Important farmland, and prime rangeland and forest land; and,
- Formally classified lands.

3.1.1 General Land Use

3.1.1.1 Land Use Information

The types of information that should be provided include (by narrative description and maps):

1. Any existing zoning ordinances and land use plans;
2. Total land area required or proposed for purchase and the amount of land that will be disturbed by construction and operation;
3. Affected land areas classified by type of current land use such as residential, commercial, agricultural, rangeland, forest land, etc;
4. An estimate of the number of homes and population and businesses that are in close proximity to and likely to be directly affected by any proposed wastewater, water treatment, or solid waste facilities. Similar information for the alternatives considered should be provided.

3.1.1.2 Potential Information Source

1. Local, regional, and State planning agencies/commissions.
2. State Universities

3.1.2 Important Farmland, Prime Forest Land, and Prime Rangeland

The Farmland Protection Policy Act (FPPA), the USDA regulation implementing the FPPA (7 CFR Part 658), and USDA Departmental Regulation No. 9500-3, "Land Use Policy", provide protection for important farmland and prime rangeland and forest land.

3.1.2.1 Important Farmland, Prime Forest Land, and Prime Rangeland Information

The types of information that should be provided include:

1. Areas of important farmland and prime rangeland and forest land affected by the project and the amount of area to be disturbed;
2. Where conversion or adverse effects of such lands will occur as a result of the proposed project, include a discussion concerning these effects and whether alternatives are available that will avoid the conversion or adverse effect;
3. For facility and transmission line locations (where line placement can be flexible) in important farmland areas, Form AD-1006 or NRCS-CPA-106, respectively, containing the required input from the NRCS. This requirement is not applicable for distribution or collection networks where the purpose is to hook up existing users.
4. Prime Forest Land and Rangeland are land classifications not used or relevant in most locales, contact should be made to local U.S. Forest Service (USFS) and NRCS offices, respectively to determine the applicability of these resources to a proposed project.

3.1.2.2 Potential Information Sources

1. NRCS – soil survey maps (<http://www.statlab.iastate.edu/soils/nsdaf/>), NRCS State and local offices will provide consultation for Important Farmland and Prime Rangeland determinations.
2. American Farmland Trust (<http://www.farmland.org>); Farmland Information Center (<http://farm.fic.niu.edu/fic/home.html>).
3. USFS (http://www.fs.fed.us/other_fs_sites.shtml) - Prime Forest Lands.

For more information see Exhibit F-1.

3.1.3 Formally Classified Lands

There are certain properties that are either administered by Federal, State, or local agencies or have been accorded special protection through formal legislative designations. For the purpose of this Bulletin, these properties have been designated as "formally classified lands". Such formally classified lands that may be encountered include, but are not necessarily limited to:

- National parks and monuments;
- National natural landmarks;
- National battlefield park sites;
- National historic sites and parks;

- Wilderness areas;
- Wild and scenic and recreational rivers;
- Wildlife refuges;
- National seashores, lake shores, and trails;
- State parks;
- Bureau of Land Management (BLM) administered lands;
- National forests and grasslands;
- Native American owned lands and leases administered by the Bureau of Indian Affairs (BIA).

Visual impacts to formally classified land from proposed projects need to be considered as appropriate, see Section 3.4.3.

3.1.3.1 Formally Classified Land Information

The types of information that should be provided include:

1. The amount of each type of such lands that will be affected by the proposed project and the alternatives considered;
2. The effects (direct, indirect, and cumulative) to any formally classified land;
3. The views of the agencies and/or Indian tribes administering the potentially affected properties identified in (a) and (b) above; and
4. Correspondence received from all agencies contacted.

3.1.3.2 Potential Information Sources

1. USGS and USFS maps;
2. National Park Service (NPS) and USFS (where applicable) - national natural landmarks, national parks, national battlefields and monuments, national seashores and lake shores, national historic sites, national recreational areas, national trails, wilderness areas (<http://www.nps.gov/parks.html>); Wild and Scenic (and recreational) Rivers and Nationwide Rivers Inventory (<http://www.nps.gov/rivers/wildriverslist.html>); national forest lands, prime forest land (http://www.fs.fed.us/other_fs_sites.shtml); BLM - administered lands and wilderness areas ; (<http://www.blm.gov/>);
3. U.S. Fish and Wildlife Service (USFWS) - wildlife refuges (<http://www.fws.gov/r9realty/index.html>);
4. State and local land management and planning agencies - State and local parks, and other State owned lands;
5. BIA - Tribal lands (contact with individual tribes is also necessary).

3.2 Floodplains

Continued encroachments on floodplains decrease the natural flood-control capacity of these land areas, creates the need for expensive manmade flood-control measures and

disaster-relief activities, and endangers both lives and property. In compliance with E.O. 11988, "Floodplain Management", and USDA Departmental Regulation 9500-3, "Land Use Policy", it is USDA's policy to avoid to the extent possible:

1. The long and short-term adverse impacts associated with the occupancy and modification of floodplains and
2. Direct or indirect support of floodplain development wherever there is a practicable alternative.

E.O. 11988, "Floodplain Management" requires Federal agencies to avoid actions, to the extent practicable, which will result in the location of facilities in floodplains and/or affect floodplain values. Facilities located in a floodplain may be damaged or destroyed by a flood or may change the flood-handling capability of the floodplain or the pattern or magnitude of the flood flow.

The relevant floodplain for most proposed projects is an area that has a 1-percent chance of a flood occurrence in a given year. The flood of this interval is referred to as the 100-year flood or the base flood. The floodplain management guidelines further require Federal agencies to apply the 0.2 percent or 500-year flood occurrence standard to the location of "critical facilities." Applicants should consider "critical facilities" as facilities whose loss would disrupt utility service to large areas for a considerable period of time or would disrupt utility service to critical facilities such as hospitals. Critical facilities include water treatment plants, wastewater treatment facilities, large pump stations, and centralized operations or communication facilities.

3.2.1 Floodplain Information

The types of information that should be provided include:

1. Determine if the proposed project or any portion thereof will be located in a 100- or 500-year floodplain, particular attention should be paid to whether the proposed project is proposed to be located in the designated floodway (floodways are defined as an area identified on a FIRM or a Flood Boundary Floodway Map that represents the portion of the floodplain that carries the majority of the flood flow and often is associated with high velocity flows and debris impact);
2. Status of local floodplain development requirements and permits;
3. Identify and evaluate practicable alternatives to locating facilities in a 100-year floodplain (include alternative sites or routes located outside the floodplain);
4. Identify and define the area of floodplain to be affected by the proposed project and evaluate the impacts to the floodplain;
5. If impacts cannot be avoided or if there is no practicable alternative to locating a facility or portion thereof in the floodplain fully document for submittal to RD/RUS a justification for this assertion; identify and develop measures to minimize the impacts as well as restore and preserve floodplain values; and
6. Show location of all utility lines, appurtenances, and facilities on appropriate maps as specified in Section 2.0 of the Bulletin.

3.2.2 Potential Information Sources

1. FEMA - FIRMs. Under E.O. 11988, **these maps must be used** if they are available (<http://www.fema.gov/msc/>). Telephone requests for maps can be made by calling 1-800-638-6620. A 6-digit community identification number is needed to get the appropriate map. Community identification numbers can be obtained from (<http://www.fema.gov/fema/csb.htm>) or from local community or county officials. In addition, applicants should check for map revisions not shown on FIRM maps, such as letters of amendment, change or revisions, and conditional letters of the same.
2. NRCS Soil Survey maps. - These maps contain soil units that are classified as "alluvial" soils. These soil units are associated with soils that develop in floodplains and represent the best available information if FEMA maps are not available. In addition, soil surveys provide general data indicating the soil unit's frequency for flooding.
3. U.S. Army Corps of Engineers (USACE) – may have floodplain information in the absence of FEMA maps; assessment of floodplain impacts, and identification of permits required.

3.3 Wetlands

E.O. 11990, "Protection of Wetlands" states that it is Federal policy to avoid to the extent possible the long and short-term adverse impacts associated with the destruction or modifications of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. Each agency, therefore, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds that:

1. There is no practicable alternative to such construction, and
2. The proposed project includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding the head of the agency may take into account economic, environmental, and other pertinent factors.

In addition, USDA through DR 9500-3, "Land Use Policy", discourages the unwarranted alteration of wetlands. To meet this objective, consider alternatives to construction in wetlands and limit the potential damage when activity affecting a wetland cannot be avoided. Where wetlands cannot be avoided, permits from the USACE and mitigation measures to minimize adverse impacts to wetlands will be required.

Regulatory oversight of wetland issues fall under Section 404 of the Clean Water Act and is administered by the USACE. Section 404 established a Federal permitting program that requires anyone who is proposing to place dredged or fill material into "waters of the United States" which includes wetlands, must obtain a permit from the USACE (<http://wetland.spk.usace.army.mil/>). See Exhibit G.

To be consistent with the E.O. and DR 9500-3, applicants that propose to construct a facility in a wetland must submit documentation and justification to RD/RUS's

satisfaction that demonstrates that there is no other practicable alternative to the proposed conversion.

For planning purposes, applicants will not be required to obtain jurisdictional delineations for wetlands (under the jurisdiction of the USACE) unless a component of a proposed project proposes to construct a facility in a wetland. Applicants should contact the local USACE office to determine specific permitting requirements. Placement of utility lines should be shown on soil survey maps to determine locations of affected wetlands (hydric soils) and to quantify the number of acres potentially affected. Normally placement of utility lines can utilize the Nationwide Permit no. 12, Utility Line Discharges. As long as the general conditions of the nationwide permit are followed then applicants are not required to obtain individual Section 404 permits.

3.3.1 Wetlands Information

The types of information that should be provided include:

1. Location of wetlands in relation to the project;
2. Amount of wetlands to be physically affected by construction and the status of any wetland permits;
3. If applicable, the basis for the applicant's belief that no practicable alternative exists for any conversions of wetland areas;
4. Potential indirect and cumulative impacts to wetlands; and
5. If necessary any proposed mitigation measures to avoid or minimize impacts to wetlands.

3.3.2 Potential Information Sources

1. NRCS Soil Survey Maps (hydric soils) (<http://www.statlab.iastate.edu/soils/nsdaf/>);
2. Nationwide Wetlands Inventory Maps (available for many areas and compatible with the scale of USGS maps). To determine if an area has been mapped or to obtain copies, contact: National Cartographic Information Center; USGS; 507 National Center; Reston, Virginia 22092; Telephone: (703) 860-6045 (<http://www.nwi.fws.gov/>);
3. USACE (<http://wetland.spk.usace.army.mil/>); and
4. State agencies.

3.4 Cultural Resources

The National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. § 470 *et seq.*) and the Advisory Council on Historic Preservation's (ACHP) implementing regulations, 36 CFR Part 800 (Section 106 regulations), requires Federal agencies to take into account the effect their actions may have on historic properties that are within the proposed project's area of potential effect. This evaluation must take place prior to the carrying out of such actions. The area of potential effect is the geographic area or areas within which a proposed project may cause changes in the character or use of historic properties. Historic property means any prehistoric or historic district, site,

building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. This term includes, for the purposes of the Section 106 regulations, artifacts, records, and remains that are related to and located within such properties. The term "eligible for inclusion in the National Register" includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register of Historic Properties listing criteria.

To fully support a cultural resources review, it is necessary to identify all historic properties within the proposed project's defined area of potential effect. In some cases, the State Historic Preservation Officer (SHPO) will assist in identifying the historic properties for the applicant, even though the regulations do not require them to perform that function. If the SHPO is unable to assist the applicant, the applicant should retain the services of a cultural resource specialist who meets the U.S. Department of the Interior's Secretary of the Interior's Professional Qualification Standards (48 FR 44738-9) to identify historic properties and determine what effect the proposed project will have on these properties. Note that some States require a qualified contractor to obtain a permit to conduct such work in those States.

When a SHPO requests that an applicant perform a field archaeological and/or architectural survey, the applicant should ask the SHPO to present the basis for the request in writing and consult with the Rural Development State Environmental Coordinator or Processing Office. Normally, RD/RUS will not require such a survey as a condition for financial assistance or other approvals in the absence of adequate justification or evidence from the SHPO or other sources.

Whether the SHPO does the primary identification of historic properties or reviews the determination of effect on historic properties prepared by a consultant, the SHPO normally has 30 days to respond. If the SHPO fails to respond within 30 days to the applicant's request, the applicant should not automatically assume that the SHPO has no concerns regarding the proposed project. The applicant should again contact the SHPO and inquire about the status of the project's review.

Applicants are advised to avoid adversely affecting any historic property prior to the completion of the environmental review process. Such actions may result in the loss of financial assistance. When an historic property is destroyed or irreparably harmed with the express purpose of circumventing or preordaining the outcome of a Section 106 review (e.g., demolition or removal of all or part of the property) this is called anticipatory demolition. RD/RUS is required to withhold any financial assistance until at such time, in consultation with the Advisory Council of Historic Preservation, it is determined and documented that "circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant."

3.4.1 Historic Property Information

The types of information that should be provided include:

1. Identification and determination of the effect on historic properties within the proposed project's area of potential affect;

2. Document methods used to identify historic properties within the proposed project's area of potential effect;
3. Document efforts made to identify and solicit the views of Indian tribes and interested persons;
4. If a historic property may be affected, discuss the alternatives that were considered that would avoid affecting the historic property;
5. A copy of all correspondence to and from the SHPO or, if appropriate, the Tribal Historic Preservation Officer (THPO);
6. A discussion of mitigation measures proposed to either avoid or minimize any adverse effects to historic properties; and
7. A copy of any surveys performed (indicate cost of survey and number of acres surveyed). This information will be used by RD/RUS as input into the Annual Archeological Report to Congress compiled by the NPS;

3.4.2 Potential Information Sources

1. National Register of Historic Places (<http://www.cr.nps.gov/nr>);
2. SHPO (www.achp.gov/shpo for addresses);
3. THPO (www.achp.gov/thpo for addresses);
4. ACHP (<http://www.achp.gov/index.html>);
5. NPS; and
6. State or local historical or archaeological societies.

For more information see Exhibit F-2.

3.4.3 Visual Aesthetics

The visual quality of an area may be affected by the introduction of new buildings or structures. These effects may be significant to historic properties, cultural resources, traditional cultural places, and cultural landscapes; in areas of scenic beauty, scenic overlooks, scenic highways, wilderness areas, parks, national forests; or along wild and scenic, recreational, or nationwide inventory rivers (see also Section 3.1.3, Formally Classified Lands). Aesthetics should be considered in all projects. Moreover, for projects in visually sensitive areas, reasonable efforts should be taken to avoid these areas entirely, or to design, construct and operate the proposed project in such a way that aesthetic impacts are minimized.

3.4.3.1 Aesthetic Information

The types of information that should be provided include:

1. Identify all visually sensitive areas that are in the vicinity of the proposed project;
2. How much of this area will be visually affected by the proposed project and from how many viewing locations the proposed project may be seen; and,
3. Mitigation efforts that will be taken to minimize impacts. This may include such methods, when appropriate, as vegetative zones around the proposed facilities.

3.4.3.2 Potential Information Sources

1. SHPO/THPO;
2. Federal land management agencies;
3. State land management agencies; and,
4. State and local park authorities.

3.5 Biological Resources

Threatened and Endangered Species. There are many plant and animal species that are threatened with extinction or exist in greatly reduced numbers partly as a result of human activities. The Endangered Species Act (ESA) of 1973 establishes a national program for the conservation and protection of threatened and endangered species of plants and animals and the preservation of habitats upon which they depend. Under Section 7 of the ESA, Federal agencies are required to consult with USFWS and/or the National Marine Fisheries Service (NMFS) for all threatened and endangered species. Consultations will be required with NMFS for proposals potentially affecting species that inhabit coastal areas or are anadromous (fish born in freshwater who spend most of their life at sea and return to fresh water to spawn). The consultation is to ensure that RD/RUS's actions do not jeopardize the continued existence of any federally-listed threatened or endangered species or result in the destruction or adverse modification of a critical habitat. When a proposed project cannot avoid critical habitat areas, the ESA requires mitigation measures or reasonable and prudent alternatives to be implemented that reduces an impact to minimal levels. Such mitigation measures or project alternatives must be negotiated between RD/RUS, the applicant, and the USFWS or NMFS. Therefore, if it appears the proposed project may affect (1) a federally-listed threatened or endangered species or its critical habitat or (2) a proposed threatened or endangered species or its proposed critical habitat, the applicant should contact the Rural Development State Environmental Coordinator or Processing Office as soon as possible and RD/RUS will initiated discussions with the USFWS or NMFS.

State agencies should be contacted for information on State-listed species and concerns. In some instances, the State may have more detailed information on federally-listed or proposed species and/or critical habitat than the USFWS. This information will help RD/RUS determine a proposed project's effect on a particular species.

It should be noted that candidate species have no legal protection under the ESA. However, project impacts to these species should be considered when preparing the ER because candidate species may become listed species and the listing would effect further project actions.

Fish and Wildlife Resources. In addition to the concern for threatened or endangered species, the applicant should take into account impacts that the proposed project may have on all fish and wildlife resources. Unnecessary adverse impacts should be avoided, to the extent practicable.

Vegetation provides habitat for a variety of wildlife and acts to stabilize soils and prevent erosion. In addition, information on vegetation can be used in evaluating potential impacts to threatened and endangered species and critical habitats.

3.5.1 Biological Resources Information

Threatened and Endangered Species.

The types of information that should be provided include:

1. A list of federally-listed or proposed threatened or endangered species and a delineation of any critical habitat in the proposed project's and any alternatives' area of potential effect;
2. Potential impacts of the proposed project and alternatives considered on any federally-listed or proposed threatened or endangered species and proximity to a designated critical habitat;
3. Correspondence with the USFWS and NMFS, if necessary, concerning whether or not the project is likely to affect a listed or proposed species or its listed critical habitat;
4. Similar information as described in 1 through 3 above for any State listed or proposed threatened or endangered species; and,
5. Mitigation measures, if avoidance is not practicable.

Fish and Wildlife

The types of information that should be provided include:

1. A brief description of the fish and wildlife species in the proposed project's area of potential effect; and
2. A discussion of possible impacts to fish and wildlife resources. These impacts may result from sedimentation, ground clearing, stream or river flow impedance, forest fragmentation, and hunting or fishing pressure due to increased access to an area.

Vegetation

The types of information that should be provided include:

1. A brief description of the vegetation in the proposed project's area of potential effect, the relative amount of each vegetation type, and the extent to which each type of vegetation will be affected;
2. An estimate of the amount of vegetation clearing required for the proposed project and each alternative considered;
3. The short and long-term effects of proposed vegetative clearing, including those related to the ROW maintenance practices; and,
4. A description of vegetation clearing and future maintenance practices. Special areas of concern such as riparian or wetland areas may require more detailed information.

3.5.2 Potential Information Sources

1. USFWS, Region or Field Office. This office must be contacted for each project unless the relevant State has made special arrangements to provide information on threatened or endangered species (<http://www.fws.gov/r9endspp/endspp.html>);
2. NMFS (for marine/anadromous species or coastal projects) (<http://www.nmfs.gov/>);
3. State agencies (for equivalent State species and potential information on federally listed species);
4. Administering agency on Federal, State, and local government managed lands; and,
5. State Conservationist, NRCS area or field office (<http://www.nrcs.usda.gov/NRCSorg.html>).

3.6 Water Quality Issues

This section is concerned with water quality issues as they relate to discharges from wastewater treatment or solid water facilities; surface or ground water appropriations for potable water treatment facilities; ground water protection programs - sole source aquifers and recharge areas; and water quality degradation from temporary construction activities. Water quality changes can impact other environmental resources such as wetlands, wildlife populations, and others. These impacts can also reach a considerable distance beyond the project location. The possible effects that the proposed project and alternatives considered could have on water quality should be addressed in the ER.

3.6.1 Water Quality Information

The types of information that should be provided include:

1. Identification and location of waterways that may be receiving streams for effluent discharges or used for water appropriations for potable water;
2. Handling of wastewater disposal for facilities;
3. Identification of all aquifers utilized as a supply for potable water or that may be impacted from runoff, infiltration by or any operational activities from wastewater and solid waste facilities;
4. Groundwater protection programs for sole source aquifers or recharge areas should be noted;
5. If the watershed that the proposed project is located in is under a management plan, the plan and the proposed project's compliance with the plan should be noted; and
6. Potential water quality degradation caused by temporary construction activities and any mitigation measures that are proposed to avoid or minimize any adverse environmental effects.

3.6.2 Potential Information Sources

1. National Pollutant Discharge Elimination System (NPDES) - State Agencies/U.S. Environmental Protection Act (USEPA) - requirements (<http://www.epa.gov/owm/npdes.htm>);
2. Non-Point Source Pollution (storm water runoff) USEPA. Under the NPDES storm water program (Phase I), a permit is required for land clearing activities that exceed 5 acres. Proposed Phase II NPDES storm water regulations would expand this national program to construction sites that disturb 1 to 5 acres. The Phase II regulations will be finalized by March 1, 1999 (<http://www.epa.gov/OWOW/NPS/>);
3. Ground water protection programs/Sole Source Aquifers – (<http://www.epa.gov/OGWDW/ssanp.html>); and
4. State agencies – Best management practices for erosion and sediment control practices for construction activities.

3.7 Coastal Resources

Coastal areas and barrier systems often provide excellent wildlife habitat and protect inland areas from hurricanes and other storms. Many of this country's coastal areas are experiencing severe developmental pressures for residential, recreational and industrial use. These areas are also prone to storm damage and flooding. To address this condition Congress enacted laws to protect coastal areas.

The CZMA of 1972, as amended applies to all lands on the boundary of any ocean or arm thereof, and the Great Lakes. Applicants should note that the width of the "coastal zone" might vary among the States.

The Coastal Barrier Resources Act (CBRA) and the Coastal Barrier Improvement Act only apply to selected geographic areas designated as "Coastal Barrier Resources System (CBRS) Units." At present such units have been established and delineated along the coasts of the Atlantic Ocean, Gulf of Mexico, and the Great Lakes. Proposed units have been identified but not designated along the coasts of States bordering the Pacific Ocean.

Federal agencies are prohibited from providing financial assistance in CBRS units except for the following activities: the maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system (this does not include financial assistance for the replacement of distribution networks). Prior to approving proposed projects in CBRS units, applicants and RD/RUS must consult with and gain the approval of the USFWS.

In addition to the prohibitions in the above paragraph, Federal law prohibits flood insurance coverage under the National Flood Insurance Program for any new construction or substantial improvements of structures located on any coastal barrier within the CBRS. RD/RUS requires flood insurance under the National Flood Insurance Program for all insurable structures, thereby further limiting financial assistance in CBRS units.

All proposed projects that are within coastal zone management areas must obtain a “consistency determination”. Federal consistency is the CZMA’s requirement that Federal actions that are reasonably likely to affect any land or water use or natural resource in a coastal zone be consistent with the enforceable policies of a coastal State’s or territory’s federally approved coastal management program (“State CMP” or “CMP”). Federal actions include:

1. Direct Federal actions - activities and development projects performed by a Federal agency, or a contractor for the benefit of a Federal agency; and
2. Indirect Federal actions - activities not performed by a Federal agency, but requiring Federal permits or licenses or other forms of Federal approval, and Federal financial assistance to States and territories and local governments.

The objective is to ensure that Federal agencies and applicants for Federal approvals and funding adequately consider and comply with State CMPs. The key to effective and efficient consistency determinations is early coordination and consultation between CMPs, Federal agencies, and applicants. It is an important mandatory, but flexible, mechanism to avoid potential conflicts between States, Territories and Federal agencies. Federal consistency is more than just a procedural dictate. It is a method of ensuring greater protection of coastal uses and resources through the coastal management policies of States and Territories by assisting States in managing coastal uses and resources.

Federal consistency reviews are the responsibility of the lead State CMP agency. A State CMP reviews the Federal action to determine if the proposed project will be consistent with the CMP. After working with State CMPs and making any appropriate changes to the proposed project, Federal agencies and applicants shall provide a consistency statement to the CMP, along with supporting documentation.

3.7.1 Coastal Resource Information

The types of information that should be provided include:

1. Identify portions of the proposed project which will be located in the coastal zone or CBRS unit or will otherwise affect these areas;
2. Correspondence with the State coastal management program office concerning the proposed project’s consistency determination; and,
3. Mitigation measures necessary to achieve consistency with the State’s coastal management program, if necessary.

3.7.2 Potential Information Sources

1. State CMP Agency; (<http://www.nos.noaa.gov/ocrm/czm/>);
2. USFWS - CBRS information (<http://www.fws.gov/cep/cbrtable.html>);
3. CBRS maps are available from the United States Geological Survey (USGS) (<http://www.fws.gov/cep/cbrmapfr.html>); and
4. National Oceanic and Atmospheric Administration (NOAA) (<http://www.nos.noaa.gov/>).

3.8 Socio-economic Issues/Environmental Justice

Proposed projects funded by or in part by RD/RUS have a potential to affect the socio-economic conditions of the areas being served. Applicants should be aware of potential effects to the socio-economic makeup of the area proposed to be served and be prepared to discuss these effects. Effects could be beneficial or adverse. In addition, applicants need to determine if their proposed project has or may have a disproportionately high and adverse human health or environmental effects on minority and low-income populations. E.O. 12989 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", dated February 11, 1994, and USDA DR 5600-2 "Environmental Justice", dated December 15, 1997, require the consideration of environmental justice issues into NEPA environmental reviews. These issues include:

1. Analyzing for the potential of disproportionately high and adverse human health or environmental effects to minority and low-income populations;
2. Providing opportunities for minority and low-income populations to participate in the NEPA process if these populations may be adversely affected; and,
3. Identifying mitigation measures that would reduce adverse human health or environmental effects to minority and low-income populations.

3.8.1 Socio-economic Issues

3.8.1.1 Socio-economic Information

Part of the USDA, Rural Development's mission is to support sound development of rural communities and provide economic opportunities for farm and rural residents. This mission may significantly affect the socio-economic make-up of the area to be served. Applicants should, in conjunction with an analysis of existing land uses and any projected land use changes caused by the proposed project, be aware of and be prepared to discuss any potential changes to an area's socio-economic make-up.

3.8.1.2 Potential Information Sources

1. U.S. Department of Commerce, Census Bureau (<http://www.census.gov>);
and
2. State Census Data Centers (<http://www.census.gov/sdc/www/>)

3.8.2 Environmental Justice Issues

3.8.2.1 Environmental Justice Information

Applicants must include an analysis of the potential impact of a proposed project, or any part thereof, that may pose disproportionately high and adverse human health or environmental effects to minority and low-income populations. The environmental justice analysis in the ER should determine if the proposed project will be located in a

minority or low-income community and, if so, analyze if the location of the proposed project will have, or be perceived to have, disproportionately high adverse human health or environmental effects to the community. If the project will have no disproportionate effects, this should be stated. If the project is to be located in a minority or low-income community and will have, or may be perceived to have, disproportionately high or adverse human health or environmental effects to the community, the analysis must include a description of the efforts made to include minority and low-income populations into the NEPA process. These efforts may include public notices and special outreach efforts aimed at these populations. When it is determined that there is no practicable alternative to locating a project in a minority or low-income community and if there will be disproportionately high human health or environmental effects, the analysis must include a discussion of the mitigation measures evaluated that would off-set or minimize these effects.

3.8.2.2 Potential Information Sources

1. Local Elected Officials/agencies;
2. Rural Development Civil Rights Coordinators;
3. State agencies/USEPA (<http://www.epa.gov/swerosps/ej/>);
4. U.S. Department of Commerce, Census Bureau (<http://www.census.gov>);
5. Minority Business and Trade Groups;
6. Civic Organizations;
7. Tribal Officials;
8. Religious Groups/Churches;
9. Civil Rights Organizations; and,
10. Senior Citizens Groups.

For more information see Exhibit F-3.

3.9 Miscellaneous Issues

The types of environmental issues that may be related to project designs and requirements are complex and highly site-specific. The primary issues to be considered are listed in the above sections, however, applicants need to be aware that other less significant issues may arise during a proposed project's planning and design activities. The following subsections are some of the more common miscellaneous issues that may come up but is not meant to be an all-inclusive list.

3.9.1 Air Quality

During construction there will be emissions from vehicles and other construction equipment or fugitive dust from construction activities. Although specific Federal regulations exist which address these emissions, a State Implementation Plan (SIP) provides the framework for air emission control within each State.

Designated State air pollution program administrators regulate air emissions from facilities within their states. If the project qualifies as a major source (having a

significant emission rate for one or more pollutants), compliance with Best Available Control Technology may be required.

The applicant should contact the State air pollution program administrator responsible for enforcing the SIP and find out whether its construction activities must comply with the SIP.

In addition to facility air emissions, applicants should be aware of the issue of the off-site migration of odors.

3.9.1.1 Air Quality Information

The types of information that should be provided include:

1. Sources and types of any air emissions from the proposed project;
2. Compliance with the SIP, either through agency exemption or project review;
3. Anticipated effects (including duration) on air quality from construction activities, especially if the enforcement agency has not provided an exemption or project review;
4. Status of project area regarding compliance with ambient air quality standards and location of Class I areas;
5. Analysis of Best Available Control Technologies, if required for air quality permit application;
6. Anticipated effects on air quality from operation of the facility; and,
7. Sources of odors and mitigation measures necessary to minimize off-site migration of odors.

3.9.1.2 Potential Information Sources

1. State and Local Air Pollution Program Administrators (<http://www.4cleanair.org/states.html>); and
2. USEPA (<http://www.epa.gov/oar/oaqps/permits/>)

3.9.2 Transportation

Information concerning this issue may be required if the proposed project proposes the construction of highway crossings or elevated water storage facilities especially where these facilities are located adjacent to airports (including airport clearance or accident zones), roads, highways, railroads, and navigable waterways. Permits may be required from the applicable agencies prior to construction.

3.9.2.1 Transportation Information

The types of information that should be provided include:

1. Changes or modification of traffic patterns as a result of the proposed project;
2. Fuel and chemical delivery requirements for treatment facilities;
3. Potential impairment of highway safety or navigable waterways; and
4. Location of any airports that could be close to proposed water tanks or other potential obstacles. Specify any airport clearance or accident zones.

3.9.2.2 Potential Information Sources

1. U. S. Department of Transportation (USDOT), Federal Highway Administration (<http://www.fhwa.dot.gov/>);
2. State transportation agencies; see (<http://www.fhwa.dot.gov/related.html>) "Transportation Related State Web Sites of Our State Partners"; and
3. Federal Aviation Administration (FAA) (<http://www.faa.gov/centers.htm>).
4. For any military facilities, contact the facilities Public Affairs Office.

3.9.3 Noise

Information concerning this issue may be required for the construction and operation of facilities, especially those facilities that may be located in or near noise sensitive developments such as residential areas. The most current noise assessment methodology is contained in the "Noise Guidebook", published by the U.S. Department of Housing and Urban Development, Office of Community and Development.

3.9.3.1 Noise Information

The types of information that should be provided include:

1. Noise levels from construction and operation of facilities at nearby noise sensitive development; and,
2. Sound attenuation or any other mitigation measures to be taken to reduce or eliminate adverse effects from unacceptable noise levels.

3.9.3.2 Potential Information Sources

1. State and local planning or environmental agencies;
2. USEPA Regional Offices; and
3. U. S. Department of Housing and Urban Development, Office of Community and Development, Washington D.C.

4.0 AGENCY CORRESPONDENCE

In completing an ER, coordination with appropriate environmental regulatory agencies may require two interactions. The first interaction may involve basic data collection, however much of this effort can be completed using the various Internet websites offered by applicable agencies. The second interaction may be required in order to obtain the concurrence of or agreement with any conclusions drawn from the evaluation of this data for potential environmental effects of the proposed project and any alternatives considered. For example, if the applicant, based on data collected from the USFWS or from a State Agency that has been authorized to assist the U.S. Fish and Wildlife in determining the presence of such species, concludes that no threatened and endangered species will be affected by the proposed project, the applicant needs to obtain the concurrence in writing from these agencies. If the proposed project will affect an endangered species, all documentation regarding coordination with USFWS must be included in the ER.

The applicant should make a reasonable effort to obtain written responses from agencies and others that have specialized information about or regulatory oversight concerning an environmental resource or issue. Normally, they should be given a minimum of 30 days to respond to a written request for comments. If no written response is received within the requested time period, the applicant should re-contact the agency by telephone concerning whether it intends to comment on the proposed project in writing. In certain cases where time is of the essence, it may be prudent to telephone the agency a few days after sending the written request to determine whether the information has been received. Written documentation of follow-up telephone conversations or meetings with agencies must be included in the ER.

It is recognized that applicants cannot force an agency to comment and that unreasonable requests for time extensions may unduly delay a project. It is not intended that an ER be stymied under such circumstances. When a applicant has made reasonable efforts to obtain an agency response and has not received one, the applicant should document its efforts in the ER.

4.1 Reaction to Agency Comments

When an agency raises concerns about a proposed project, recommends further studies, or suggests mitigation measures to offset environmental impacts, the applicant should consult with the Rural Development State Environmental Coordinator or Processing Office for advice. **IT IS ESSENTIAL THAT THE APPLICANT ADDRESS ALL SUCH COMMENTS, RECOMMENDATIONS, OR SUGGESTIONS IN THE ER.**

The applicant shall seek to resolve all outstanding concerns with regulatory agencies prior to submitting the ER to RD/RUS. If, subsequent to contacting regulatory agencies, an applicant has unresolved concerns about a particular issue, they shall contact the Rural Development State Environmental Coordinator or Processing Office for assistance. The Rural Development State Environmental Coordinator and Processing Office shall assist the applicant in resolving all concerns with regulatory agencies.

Common Contacts		
Contact	Environmental Resource Information	
	Primary	Secondary
Local/Regional/State Planners	<ul style="list-style-type: none"> • Land Use • Noise • Floodplains (local Floodplain Mgmt. Coordinators) • Environmental Justice 	
State Environmental Agencies	<ul style="list-style-type: none"> • Water Quality • Air Pollution • Biological Resources 	<ul style="list-style-type: none"> • Formally Classified Land • Wetlands • Aesthetics • Important Farmland • Floodplains
State Coastal Mgmt. Program Agency	<ul style="list-style-type: none"> • Coastal Resources 	
SHPO	<ul style="list-style-type: none"> • Cultural Resources • Aesthetics 	
THPO	<ul style="list-style-type: none"> • Cultural Resources • Environmental Justice • Aesthetics 	
Local/State historic groups		<ul style="list-style-type: none"> • Cultural Resources
BLM	<ul style="list-style-type: none"> • Formally Classified Land • Aesthetics 	
FEMA	<ul style="list-style-type: none"> • Floodplains 	
NRCS	<ul style="list-style-type: none"> • Important Farmland • Prime Rangeland (if designated) • Wetlands (Soil Surveys) 	<ul style="list-style-type: none"> • Biological Resources • Water Quality • Floodplains (Soil Surveys)
NPS	<ul style="list-style-type: none"> • Formally Classified Land • Aesthetics 	<ul style="list-style-type: none"> • Cultural Resources
NMFS	<ul style="list-style-type: none"> • Biological Resources 	
NOAA	<ul style="list-style-type: none"> • Coastal Resources 	
FAA	<ul style="list-style-type: none"> • Transportation 	
USDOT, FHA	<ul style="list-style-type: none"> • Transportation 	
State DOT	<ul style="list-style-type: none"> • Transportation 	
USEPA	<ul style="list-style-type: none"> • Water Quality (Sole Source Aquifers) 	<ul style="list-style-type: none"> • Water Quality (NPDES) • Air Quality
USFWS	<ul style="list-style-type: none"> • Coastal Barrier Resources • Biological Resources 	<ul style="list-style-type: none"> • Wetlands
USFS	<ul style="list-style-type: none"> • Formally Classified Land • Prime Forest Lands 	
USACE	<ul style="list-style-type: none"> • Wetlands 	<ul style="list-style-type: none"> • Formally Classified Land

In certain instances, comments from Federal, State, or local agencies may raise environmental issues of concern to State agencies which are not afforded specific protection under Federal laws and regulations (e.g., a State listed endangered species which is not on the Federal list). Such comments on State and local environmental issues should also be discussed in the ER. Taking such matters into account may be

essential in securing State and local permits and approvals. Moreover, in considering the effect of a project on the quality of the human environment, NEPA and the CEQ regulations require Federal agencies to consider overall environmental impacts, not merely those environmental resources specifically protected by Federal laws, regulations, or E.O.s.

5.0 PUBLIC NOTICES

Public notices are normally required on two occasions for most proposed projects. A proposed project classified as a CE may require a preliminary notice and a final notice if certain resources will be directly converted or adversely affected. A proposed project classified as an EA will require a public notice announcing the availability of the EA for public review and a notice announcing RD/RUS's environmental decision or a FONSI. Templates for public notices are in Exhibit B.

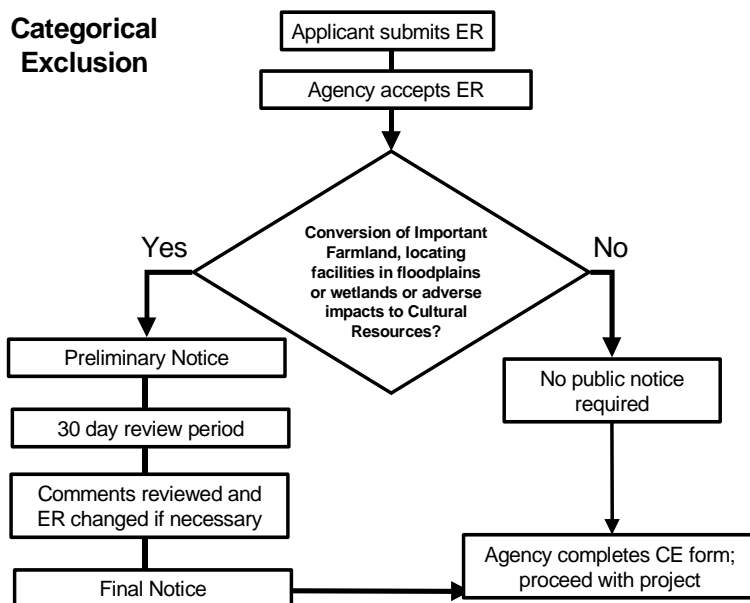
5.1 Categorical Exclusion

Where there is a proposal to convert important farmland, locate facilities in wetlands or floodplains, or adversely affect a cultural resource, the public will be provided an opportunity to review and comment on the proposed project. This notice is done in two stages, a preliminary notice announcing the proposed project and a final notice where RD/RUS states its decision regarding the proposed project.

The purpose of the preliminary notice is to inform the public of the proposed conversion and request their comments on alternate sites or actions that would avoid or minimize the conversion (see Exhibit B.1). The preliminary notice is issued after RD/RUS accepts the ER and has determined the project is properly classified as a CE. The public is provided a nominal 30-day period to submit comments. RD/RUS and the applicant will review the comments and make any appropriate changes to the ER.

The purpose of the final notice is a follow-up to the preliminary notice and is intended to inform the public of RD/RUS's decision on the conversion (see Exhibit B.2). When

conversion will occur, the final notice will inform the public that RD/RUS has determined that there is no practicable alternative to avoiding the conversion and provide a



reason(s) for that decision. The final notice is issued after the preliminary notice review period and after all public comments have been evaluated. There is no review period for the final notice.

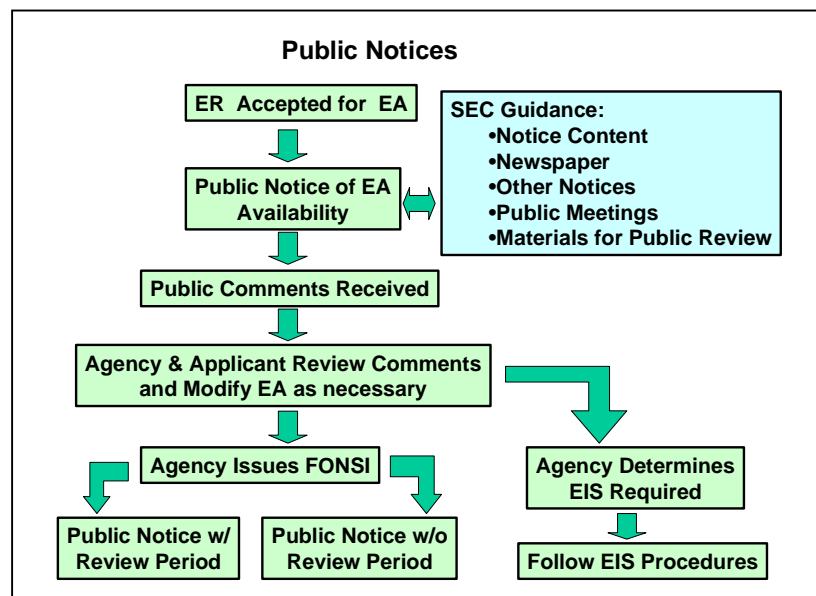
The table below summarizes the CE public notice requirements.

Categorical Exclusion Public Notice Requirements				
Proposed Conversion of Resource	Preliminary Notice	Review Period ³ (days)	Final Notice	Review Period (days)
None	N/A	N/A	N/A	N/A
Important Farmland ¹	Yes	30	Yes	0
Wetlands	Yes	30	Yes	0
Floodplains	Yes	30	Yes	0
Cultural Resources ²	Yes	30	Yes	0
¹ . Includes Important Farmland (as defined by DR 9500-3) ² . For Cultural Resources in the context of the NHPA, the term "converted" refers to an "adverse effect." ³ . Comment periods are calculated from the date of the first publication.				

5.2 Environmental Assessment

When RD/RUS approves and accepts the ER as its EA, two public notices are published. The first informs the public of the availability of the EA. The second, a FONSI, informs the public of RD/RUS's decision.

The purpose of the first notice is to announce the availability of the EA for public review. After RD/RUS has determined that the ER will serve as its EA, RD/RUS will authorize the applicant to publish a public notice in a newspaper(s) of general circulation in the area where the proposed project is located (see B.3). If the proposed project proposes to convert important farmland, construct facilities in floodplains or wetlands, or adversely affect a cultural resource, the information required in



Preliminary Notice listed in Exhibit B.1 should be integrated in the EA notice. The public is provided a nominal 30-day period to submit comments. RD/RUS and the applicant will review the comments and make appropriate changes to the EA.

The purpose of the second notice is to announce that RD/RUS has reached a FONSI (see B.4). This notice can be published as soon as RD/RUS has prepared or approved the notice announcing that decision. Publication authorization and any specific requirements will be provided to the applicant. Normally there is no public comment period for FONSI. However, where substantive comments are received on or substantive changes have been made to the EA, RD/RUS may require an additional period (15 days) for public review following the publication of its FONSI determination.

This table explains the EA public notice requirements.

Environmental Assessment Public Notice Requirements						
Conversion of, Locating Facilities in, or Adverse Impact to the Listed Resource	Environmental Assessment Notice			FONSI Notice		
	Standard EA Notice	Include Preliminary Notice Information	Review Period ³ (days)	Standard FONSI Notice	Include Final Notice	Review Period ^{4,5} (days)
None of the below	Yes	No	30	Yes	No	0 or 15
Important Farmland ¹	Yes	Yes	30	Yes	Yes	0 or 15
Wetlands ²	Yes	Yes	30	Yes	Yes	0 or 15
Floodplains ²	Yes	Yes	30	Yes	Yes	0 or 15
Cultural Resources ³	Yes	Yes	30	Yes	Yes	0 or 15

1 Includes conversion of Important Farmland (as defined by DR 9500-3)
 2 Refers to a proposal to locate a facility in a wetland or floodplain.
 3 An adverse affect for Cultural Resources is defined in the context of the NHPA.
 4 Comment periods are calculated from the date of the first publication.
 5 An additional 15-day review is only necessary if substantive comments have been received and the EA has been significantly amended. This determination is made by the Rural Development State Environmental Coordinator.

5.3 Notifying the Public

It is RD/RUS's responsibility to ensure the adequacy of all public notices prior to making a decision regarding project approval. Therefore, prior to publishing public notices applicants should allow the Rural Development Processing Office to review and concur with all notices. When publishing public notices, the applicant should ensure that the notice has a reasonable likelihood of attracting the attention of individuals or organizations that may be interested in or affected by the project.

Normally newspaper advertisements are used to notify the public. However, other forms of notice may also be appropriate depending on the nature of the proposed project's potential impacts and the nature of the target audience. The following methods may be appropriate:

- Individual notices mailed to landowners or residents who live or own property adjacent to facilities or are directly affected by the construction of the facilities;
- Radio and television announcements;
- Inserts into utility bills;
- Notices posted in areas frequented by the target audience;
- Public meetings; or,

- Announcements at public activities (schools, place of worship, town meeting, etc.)

Newspaper notices should be of reasonable size and prominence and not be placed in the classified or legal section or an obscure portion of the newspaper. All public notices will be published in newspaper(s) of local circulation in the area affected by the proposed project. The publication frequency shall be 3 consecutive days for daily newspapers and 2 consecutive weeks in weekly newspapers. Public review dates shall be computed from the initial publication date of the notice. Proof of publication shall be provided to RD/RUS either as a copy of the advertisement or the publisher's affidavit.

Upon approval and acceptance of the ER, the Rural Development State Environmental Coordinator will determine if any unique public notice requirements (beyond the standard public notice language - see Exhibit B) for the proposed project are necessary. These may include:

- Content of the notice;
- Public review period;
- Frequency of newspaper advertisements;
- Other forms of public notice;
- Public meeting;
- Materials and information to be made available to the public; or,
- Other actions necessary to obtain sufficient public involvement in the environmental review process.

Copies of all comments received by the applicant, including unsolicited comments, must be submitted to RD/RUS as soon as possible. RD/RUS and the applicant will review the comments, address each comment, and make any appropriate changes to the EA.

5.4 Environmental Justice

If the project is to be located in a minority or low-income community and will have, or may be perceived to have, disproportionately high and adverse human health or environmental effects to that community, special efforts may be necessary to include these populations into the public involvement process. These efforts may include public notices, community meetings, and publishing public notices in languages other than English and in non-English newspapers or publications. All special outreach efforts must be fully described in the ER.

Nothing in the foregoing discussion is meant to restrict the applicant's use of other media in publishing public notices. RD/RUS's requirements for public notices are merely establishing a minimum. Other means of communication may be particularly effective in reaching the public in appropriate situations.

6.0 Exhibit A - Agency Correspondence for Information Gathering

Included in this exhibit are sample letters directed to a variety of Federal and State agencies that are normally contacted during the preparation of an ER. These examples are designed to provide guidance to applicants in preparing **information** requests to environmental regulatory agencies. Individual letters should be tailored to the nature of the specific project and the issues involved. At times a briefer format may be reasonable, while in other instances a more detailed explanation may be necessary.

The amount of project-related information that the applicant includes with the agency letter is optional. Normally it is sufficient to include a project description and a USGS map showing the proposed project's location of all construction-related activities.

The Rural Development State Environmental Coordinator or Processing Office can provide the appropriate names and addresses.

A.1 State Historic Preservation Officer Letter Concerning Cultural Resources

The (*Applicant's name*) is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Utilities Service in order that it may assess the environmental impacts of (*description of the project*)¹ in (*county*), (*State*). The project is being proposed to (*give a brief statement supporting project need*). Enclosed is an U.S. Geological Survey map(s) that depicts the proposed project's area of potential effect for all construction activities and a description of the work involved².

(*Applicant's name*) requests the assistance of your office in identifying historic properties that are listed or eligible for listing on the National Register of Historic Places and that may be affected by the project. Please provide any recommendations you may have to mitigate or avoid these impacts, to properties that may be affected.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact (*name*) at (*telephone number*).

¹ Applicants could provide a complete project description as an attachment to this letter. In order for the SHPO to provide appropriate project reviews, the project descriptions submitted need to be explicit in the types and locations of all construction activities are being proposed (see footnote 2).

² In order to expedite SHPO reviews, applicant should submit maps of an appropriate scale that will show the proposed project's area of potential effect. These areas should cover all proposed construction including easements, staging areas, etc.. Applicants should consider submitting photographs of these areas with letters.

A.2 U.S. Fish and Wildlife Service or National Marine Fisheries Service Letter Concerning Endangered Species

The (*Applicant's name*) is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Utilities Service in order that it may assess the environmental impacts of (*description of the project*)¹ in (*county*), (*State*). The project is being proposed to (*give a brief statement supporting project need*). Enclosed is an U.S. Geological Survey map(s) that depicts the proposed project's construction activities and a description of the work involved.

The proposed project does not represent a "major construction activity" as defined in 50 CFR 402.02. We request a list of any Federally-listed or proposed threatened or endangered species and designated or proposed critical habitat that may be present in the project area. In addition, please advise us of any present concerns you may have related to possible effects of the project listed above on such species or critical habitat, as well as any other wildlife concerns.

We would appreciate a response within 30 days. If you need any further information or wish to discuss our project, please contact (*name*) at (*telephone number*).

¹Applicants could provide a complete project description as an attachment to this letter. In order for the USFWS to provide appropriate project reviews, the project descriptions submitted need to be explicit in the types and locations of all construction activities that are being proposed.

A.3 Natural Resources Conservation Service (State or field office) Letter Concerning Important Farmland

The (*Applicant's name*) is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Utilities Service in order that it may assess the environmental impacts of (*description of the project*)¹ in (*county*), (*State*). The project is being proposed to (*give a brief statement supporting project need*). Enclosed is an U.S. Geological Survey map(s) that depicts the proposed project's construction activities and a description of the work involved.

We are requesting information on the possible effects of the proposed project on important farmland and prime rangeland and any recommendations you have to minimize or avoid these effects. We also seek your assessment of the compatibility of the proposed project with State and local government or any private programs and policies to protect important farmland.

We would appreciate a response within 30 days. If you need any further information or wish to discuss our project, please contact (*name*) at (*telephone number*).

¹Applicants could provide a complete project description as an attachment to this letter. In order for NRCS to provide appropriate project reviews, the project descriptions submitted need to be explicit in the types and locations of construction activities that are being proposed.

A.4 Letter to Federal Land Manager

The (*Applicant's name*) is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Utilities Service in order that it may access the environmental impacts of (*description of the project*)¹ in (*county*), (*State*). The project is being proposed to (*give a brief statement supporting project need*). Enclosed is an U.S. Geological Survey map(s) that depicts the proposed project's construction activities and a description of the work involved.

As is shown on the enclosed map, some of the construction may take place in the (*name of unit*). Although the submittal of a special use permit application at this time would be premature, we are seeking information on environmental effects from the projects as an input to the Rural Utilities Service's decision-making process. We request your review of this project for potential impacts to officially designated areas within the (*name of unit*), and any recommendations you may have to mitigate or avoid these effects. We would also appreciate receiving any information regarding additional review requirements that your agency may have.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact (*name*) at (*telephone number*).

¹Applicants could provide a complete project description as an attachment to this letter. In order for the agency to provide appropriate project reviews, the project descriptions submitted need to be explicit in the types and locations of all construction activities that are being proposed.

A.5 State Natural Resource or Environmental Agency Letter

The (*Applicant's name*) is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Utilities Service in order that it may assess the environmental impacts of (*description of the project*)¹ in (*county*), (*State*). The project is being proposed to (*give a brief statement supporting project need*). Enclosed is an U.S. Geological Survey map(s) that depicts the proposed project's construction activities and a description of the work involved.

(*Applicant's name*) requests that your office review the proposed project for any State and Federally-listed threatened and endangered species and any other important State natural resources that may occur in the project area. Please provide any recommendations you may have to mitigate or avoid these impacts.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact (*name*) at (*telephone number*).

¹Applicants could provide a complete project description as an attachment to this letter. In order for the agency to provide appropriate project reviews, the project descriptions submitted need to be explicit in the types and locations of all construction activities that are being proposed

A.6 State Coastal Management Program Agency Letter Concerning Coastal Zone Management Issues

The (*Applicant's name*) is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Utilities Service in order that it may assess the environmental impacts of (*description of the project*)¹ in (*county*), (*State*). The project is being proposed to (*give a brief statement supporting project need*). Enclosed is an U.S. Geological Survey map(s) that depicts the proposed project's construction activities and a description of the work involved.

Please advise us if the proposed project is within areas of the State's Coastal Management Program. If so, we request your review of this project so that you may assist us in ensuring that our construction activities will be consistent with program goals. Any other information you may wish to provide regarding environmental impacts or suggestions for mitigating impacts will be appreciated and taken into consideration.

We would appreciate a response within 30 days. If you need any further information or wish to discuss our project, please contact (*name*) at (*telephone number*).

¹Applicants could provide a complete project description as an attachment to this letter. In order for the State CMP agency to provide appropriate project reviews, the project descriptions submitted need to be explicit in the types and locations of construction activities that are being proposed.

7.0 Exhibit B - Sample Public Notices

B.1 Preliminary Notices for Categorical Exclusions

These notices are required for proposed projects classified as CEs that propose to convert important farmland, construct facilities in a wetland or floodplain, or adversely affect a cultural resource.

Preliminary Notice of Potential Conversion of [insert issue(s)]¹

The USDA, Rural Utilities Service has received an application for financial assistance from *[insert applicant's name]*. The proposed project consists of *[itemize the project's construction activities and locations]*. If implemented, the proposed project will convert *[insert issue(s)]¹ – include acreage, locations]*. The purpose of this notice is to inform the public of this proposed conversion and request comments concerning the proposed project, alternative sites or actions that would avoid these impacts, and methods that could be used to minimize these impacts.

The environmental documentation regarding this proposed project is available for review at *[insert Rural Development office location or other locations]*. For questions regarding this proposal contact *[insert name and telephone number of Rural Development official]*.

Any person interested in commenting on this proposal should submit comments to the address above by *[have newspaper insert a date that is 30 days from the date the notice is first published]*.

A general location map of the proposal is shown below. *[insert map]*.

¹ Important Farmland, Wetland, Floodplain, or an "Adverse Effect to a Cultural Resource"

B.2 Final Notices for Categorical Exclusions

Whenever a preliminary notice is published, the publication of a final notice is required. Below is a sample of a Final Notice.

Final Notice of Potential Conversion of [insert issue(s) ¹]

The USDA, Rural Utilities Service has received an application for financial assistance from *[insert applicant's name]*. The proposed project consists of *[itemize the project's construction elements and locations]*. Rural Development has assessed the environmental impacts of this proposed project and determined that the location of *[insert construction activity or facility]* will convert *[insert issue(s)]¹*. It has been determined that there is no practicable alternative to avoiding this conversion. The basis of this determination is *[summarize the justification and reason for the conversion]*.

For information regarding this notice contact *[insert Rural Development official's name and telephone number]*.

A general location map of the proposal is shown below. *[Insert map]*.

¹ Important Farmland, Wetland, Floodplain, or an "Adverse Effect to a Cultural Resource"

B.3 Notice of Availability of Environmental Assessment

Upon review and acceptance of the applicant's ER, the ER will serve as RD/RUS's EA and shall be made available for public review and comment for a 30-day review period. If the proposed project proposes a conversion of important farmland, construct a facility in a wetland or floodplain, or adversely affect a cultural resource, the contents of the Preliminary Notice as specified in B.1 need to be integrated into the notice below.

Notice of the Availability of an Environmental Assessment

The USDA, Rural Utilities Service has received an application for financial assistance from *[insert applicant's name]*. As required by the National Environmental Policy Act, the Rural Utilities Service has prepared an Environmental Assessment that evaluated the potential environmental effects and consequences of the proposed project. This notice announces the availability of the Environmental Assessment for public review and comment.

The proposed project consists of *[itemize the project's construction activities and locations; include information regarding any conversion(s) of [insert issue¹]; and summarize all proposed mitigation measures and locations used to minimize any adverse environmental effects]*. The alternatives considered to the proposed project include: *[insert a summary of the alternatives and locations (if applicable) considered and discussed in the Environmental Assessment]*.

Copies of the Environmental Assessment are available for review at *[insert Rural Development office location; if the Environmental Assessment is available at any other location(s) give address and telephone number]*. For further information contact *[insert name and telephone number of Rural Development official]*. Any person interested in commenting on this proposed project should submit comments to the address above by *[have newspaper insert a date that is 30 days from the first publication date]*.

A general location map of the proposal is shown below *[Insert general location map of the proposed project]*.

¹ Important Farmland, Wetland, Floodplain, or an "Adverse Effect to a Cultural Resource"

B.4 Finding of No Significant Impact Notice

Subsequent to the notice announcing the availability of an EA and RD/RUS approval, the applicant shall publish a public notice informing the public of RD/RUS's determination of a FONSI for the proposed project. Where the proposed project proposes to convert important farmland, wetlands, or floodplains or adversely affects a cultural resource, the content of a Final Notice as specified in B.2 will be integrated in the FONSI notice.

Notice of a Finding of No Significant Impact

The USDA, Rural Utilities Service has received an application for financial assistance from *[insert applicant's name]*. The proposed project consists of *[itemize the project's construction activities and locations; include information regarding any conversion(s) of [insert issue¹]*.

As required by the National Environmental Policy Act, the Rural Utilities Service has assessed the potential environmental effects of the proposed project and has determined that the proposal will not have a significant effect on the human environment and for which an Environment Impact Statement will not be prepared. The basis of this determination is *[briefly summarize reasons]*. *[Add if necessary]* In order to avoid or minimize any adverse environmental impacts, the Rural Utilities Service will require the applicant to incorporate the following mitigation measures into the proposed project's design *[briefly summarize all proposed mitigation measures and locations]*.

Copies of the Environmental Assessment can be reviewed or obtained at *[insert the Rural Development office location and telephone number]*. For further information, please contact *[insert Rural Development official's name and telephone number]*.

[If additional public review period is required have newspaper insert a date 15 day after the date of the first publication]² A general location map of the proposal is shown below. *[insert general location map of the proposed project]*.

¹ Important Farmland, Wetland, Floodplain, or an "Adverse Effect to a Cultural Resource"

² Any person interested in commenting on this FONSI may submit comments to the address above by [have newspaper insert date that is 15 days from the publication of this notice].

Normally, there is no comment period for a FONSI Notice. However, where the proposed project is controversial or RD/RUS has received substantive environmental comments that required a significant modification of the EA, the FONSI notice may be published with an additional 15-day comment period. Applicants will be informed by the Rural Development State Environmental Coordinator or Processing Office whether this requirement is applicable. If this is the case, information regarding the additional comment period needs to be included in the public notice - see note 2 above.

8.0 Exhibit C - Mitigation

The purpose of mitigation measures is to avoid or minimize adverse environmental impacts of a proposed project. When developed as part of an ER, properly applied mitigation measures will allow RD/RUS to determine that its financial support for a proposed project will not have a significant effect on the human environment and is therefore not required to prepare an EIS.

Mitigation measures can be characterized as:

Structural. These measures are usually associated with planning, construction, and development activities. For example:

- Limit line sizes to serve only current population in a floodplain or to limit development in areas of important farmland;
- Provide a vegetative buffer zone along creeks, streams, etc.;
- Route construction away from sensitive areas – historic properties, critical habitat, etc.; or,
- Use of existing previously disturbed ROWs.

Restrictive. These measures are usually associated with development and operation. For example:

- Limit construction to certain times of the year – winter for wetland crossings, periods of low wildlife activity – after breeding season or spawning run;
- Halt work if an archaeological resource is uncovered;
- Limit access to utility lines in protected or sensitive resource areas; or,
- Minimize vegetative clearing in a riparian zone.

Regulatory. These measures rely on a third party to monitor for compliance. For example:

- Require USACE individual permit or notification of construction for nationwide permit in wetland areas;
- Evidence of approvals from land management agencies – BLM, USFS, etc.; or,
- Memorandum of agreement with SHPO.

Awareness. These measures rely on a third party to provide evidence of compliance. For example:

- Consultation with expert agencies when a resource may be impacted – NRCS for important farmland or USFWS for critical habitat for threatened and endangered species; or,
- Compatibility with local comprehensive land use plans.

Mitigation measures can be very effective when applied properly. In reviewing potential mitigation measures give consideration to the following:

- The adverse effect must have a reasonable chance of occurring in the foreseeable future. Mitigation measures are only useful when there is an compelling reason to avoid or minimize adverse effects that have a reasonable expectation of occurring. If an adverse effect has a low expectancy in the foreseeable future, mitigation may not be necessary;
- Mitigation measures must be practicable. There must be a reasonable expectation that the measure can be applied and when applied, will have the desired outcome;
- There must be some motivation behind the mitigation measure. In other words, there must be some assurance that the measure will be implemented. Rural Development often relies on third parties to monitor and enforce implementation. Regulatory agencies are generally in the best position to accomplish this. It should also be expected that when the reason for the mitigation no longer exists, the mitigation would be discontinued;
- A mitigation measure should be in balance with both the potentials for impact on the environmental resource and the resource's relative environmental value. High potential impacts on critical resources would require a strong mitigation measure (e.g. restrictive measure). An awareness type measure would be more appropriate where there is a low potential for impact on a less critical environmental resource;
- Mitigation measures must be tailored to the specific condition of a project and its owner's capabilities. Customs and traditions in an area can often determine if a mitigation measure can be carried out to achieve its desired results; and,
- Developing and applying successful mitigation measures is more of an art than a science. There is no "one best solution" to avoiding or minimizing adverse impacts for all proposed projects. The language of mitigation implies subjective determinations – reasonable, foreseeable, practicable, value, etc. The applicant and RD/RUS must evaluate and balance all of these elements.

C.1 Examples of Mitigation Measures

A list of typical mitigation and monitoring commitments that may be appropriate for certain types of applicant projects has been provided below. The list is by no means complete and is for illustrative purposes only.

Land Use

- Select ROW which supports present and planned land use; or
- Share an established corridor with other utilities.

Formally Classified Lands

- Avoid impacting properties that are owned and administered by Federal, State, and local agencies or have been accorded special protection through formal designation.

Floodplains

- Minimize the extent of floodplains to be crossed or impacted by the construction of facilities;
- Locate support structures and facilities to allow for adequate flow of flood waters in the event of flooding;
- Design support structures to minimize accumulation of flood borne debris; and,
- Minimize clearing of riparian vegetation.

Wetlands

- Avoid crossing wetlands where practicable, or minimize the extent of wetlands crossed;
- Consider the purchase of wetlands outside the project corridor to compensate for impacts to wetland resources;
- Avoid routing a permanent access road through wetlands;
- Perform certain construction activities in wetlands during dry conditions or when the ground is frozen; and,
- Minimize clearing of riparian vegetation.

Cultural Resources

- Plan to route the utility lines away from historical properties;
- Consider restoration, if avoidance is not practical;
- Use vegetative screens to minimize visual intrusion;
- In consultation with RD/RUS and SHPO, alter proposed project if a “no effect” determination can not be readily achieved;
- Halt work if archaeological resources are uncovered and immediately contact SHPO and RD/RUS. Do not resume work in the affected area until clearance has been received from SHPO and RD/RUS; and,
- State that stipulations or agreements developed, as a result of the Section 106 process will be met.

Aesthetics

- Avoid scenic areas, if possible; and
- Commit to thorough cleanup and revegetation of the ROW after project completion.

Threatened and Endangered Species

- Avoid threatened and endangered species and critical habitat;
- Perform construction outside the breeding season or when the species have migrated out of the area; and,
- If critical habitat cannot be avoided, state that stipulations resulting from consultation with the USFWS or NMFS will be met.

Wildlife

- Avoid open expanses of water or wetlands used as flight paths by migrating waterfowl;
- Avoid waterfowl nesting or rearing areas; and,
- Perform construction activities during seasons of low wildlife activity (*e.g.*, after breeding period or spawning run).

Vegetation

- Use an existing ROW to minimize new clearing;
- Use brush blades instead of dirt blades when clearing ROW;
- Coordinate new planting with the NRCS, USFS, BLM, appropriate State agencies, or individual landowners; and,
- Schedule construction in order to minimize earth disturbance during wet seasons.

Water Quality Issues

- Avoid placing utility lines within streambeds;
- Avoid use of herbicides near waterways;
- Avoid storing petroleum products, chemicals, toxic substances or hazardous materials within a floodplain;
- Avoid groundwater contamination through proper handling and storage of petroleum products, chemicals, toxic substances, and hazardous materials;
- Require sedimentation controls when working on water intake or discharge facilities in lakes and stream banks; and,
- Avoid crossing streambeds or waterways except at designated fords, crossing points, or bridges.

Soils

- Minimize soil erosion by mulching, seeding, and replanting or implementing erosion and sedimentation control (if available, include samples of best management practices into the construction contractors' obligations that are part of construction contractual specifications); and
- Describe efforts to restore or replace topsoil that may be disturbed.

Air Pollution

- During construction, dampen access roads to minimize fugitive dust; and
- Avoid burning of slash and debris or burn only within applicable regulations.

Transportation

- Avoid placing structures near airfield runways, approaches and flight paths.

Noise

- Schedule work to avoid evening or weekend shifts that might annoy local residents.

Monitoring

- Schedule periodic inspections of project area (aerial or ground surveillance of facility for damage, fatigue, failure, vandalism, etc.); and,
- Immediately after project is completed and during regular monitoring, inspect for effectiveness of the mitigation program and ensure permit conditions have been met.

9.0 Exhibit D - Regulations, Statutes, and Executive Orders

LISTING	CITATION
Archaeological & Historical Preservation Act	16 U.S.C. 461
Clean Air Act	42 U.S.C. 7401
Clean Water Act	32 U.S.C. 1251
Section 401 Water Quality Certifications	
Section 404 Permits for Discharging Dredged or Fill Material into the Waters of the United States	33 CFR Part 330
Coastal Barrier Improvement Act	42 U.S.C. 4028
Coastal Barrier Resources Act	16 U.S.C. 3501
Coastal Zone Management Act	16 U.S.C. 1451
Comprehensive Environmental Response, Compensation, & Liability Act	42 U.S.C. 9601
Council on Environmental Quality Regulations	40 CFR parts 1500-1508
Endangered Species Act	16 U.S.C. 1531 et seq.
Farmland Protection Policy Act	7 U.S.C. 4201 et seq.
Marine Protection, Research, & Sanctuaries Act	33 U.S.C. 1401
National Environmental Policy Act	42 U.S.C. 4321-4346
National Historic Preservation Act	16 U.S.C. 470 et seq.
National Trails System Act	16 U.S.C. 1241
Native American Graves & Repatriation Act	25 U.S.C. 3001
Noise Control Act	42 U.S.C. 7901
Resource Conservation & Recovery Act	42 U.S.C. 3251
Safe Drinking Water Act	42 U.S.C. 300
Toxic Substances Control Act	15 U.S.C. 2601
Wild and Scenic Rivers Act	16 U.S.C. 1271
Wilderness Act	16 U.S.C. 1131
Executive Order 11514, Protection and Enhancement of Environmental Quality	3 CFR 1970 Comp., pg. 104
Executive Order 11593, Protection and Enhancement of the Cultural Environment	3 CFR 1971 Comp., pg. 154
Executive Order 11988, Floodplain Management	3 CFR 1977 Comp., pg. 117
Executive Order 11990, Protection of Wetlands	3 CFR 1977 Comp., pg. 121

Executive Order 12898, Environmental Justice	3 CFR 1994 Comp., pg. 859
Departmental Regulation, Land Use Policy	DR 9500-3
Departmental Regulation, Fish & Wildlife Policy	DR 9500-4
Departmental Regulation, Policy on Range	DR 9500-5
USDA's National Environmental Policy Act; Final Policies & Procedures	7 CFR Part 1b
USDA, NRCS, Farmland Protection Policy	7 CFR Part 658
USDA's Enhancement, Protection, and Mgmt of the Cultural Environment	7 CFR Part 3100

10.0 Exhibit E – Example of the Table of Contents for an Environmental Report Executive Summary (for Environmental Assessments)

1.0 Purpose and Need of Project

- 1.1 Project Description (Proposed Action or Proposed Project)
- 1.2 Purpose and Need of Project

2.0 Alternatives to the Proposed Action

3.0 Affected Environment/Environmental Consequences

- 3.1 Land Use/Important Farmland/Formally Classified Lands
 - 3.1.1 Affected Environment*
 - 3.1.2 Environmental Consequences*
 - 3.1.3 Mitigation*
- 3.2 Floodplains
- 3.3 Wetlands
- 3.4 Cultural Resources
- 3.5 Biological Resources
- 3.6 Water Quality Issues
- 3.7 Coastal Resources
- 3.8 Socio-Economic/Environmental Justice Issues
- 3.9 Miscellaneous Issues

* Sections repeated through all Section 3.0 subsections.

4.0 Summary of Mitigation

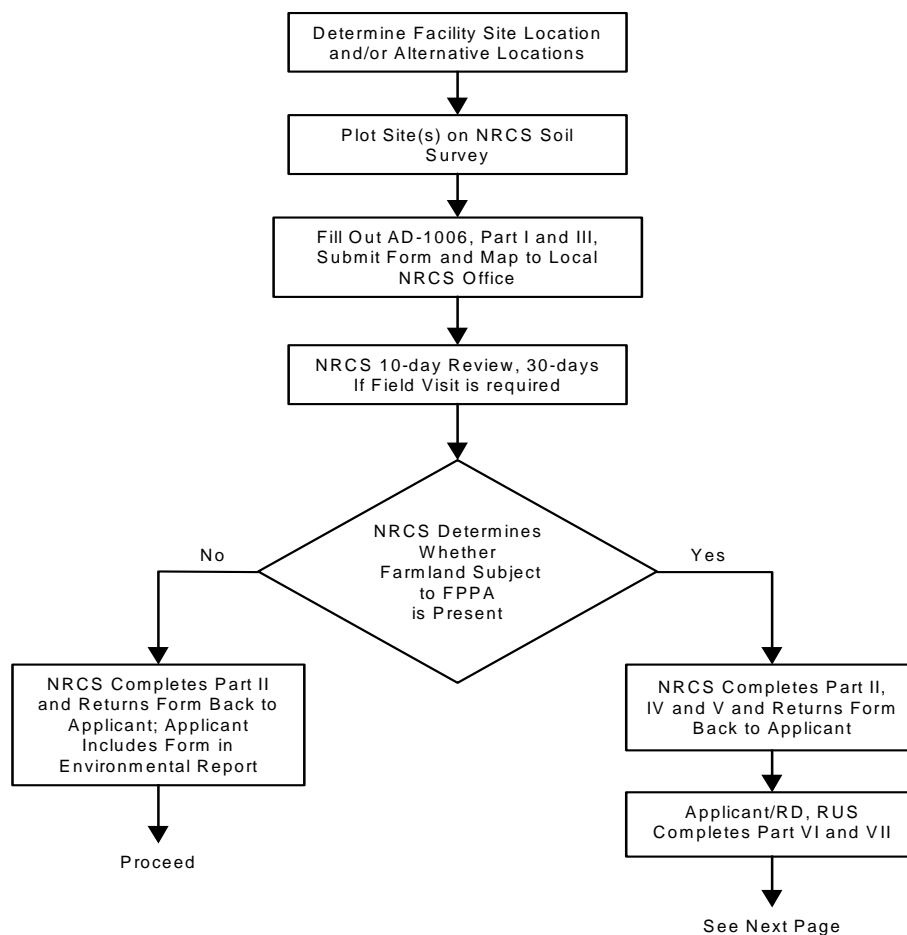
5.0 Correspondence

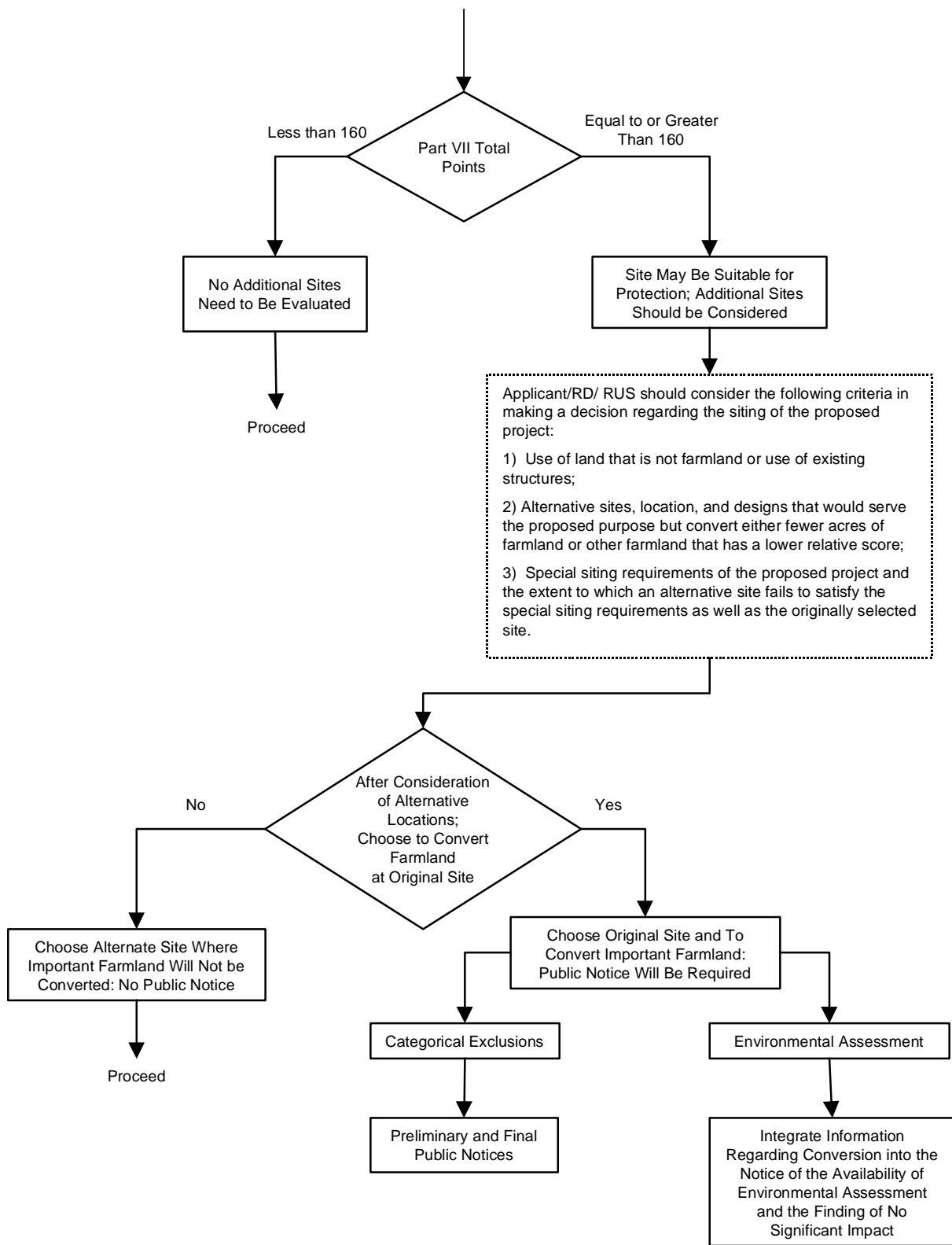
6.0 Exhibits/Maps

11.0 Exhibit F - Regulatory Compliance Flowcharts

F-1 Farmland Protection Policy Act Flowchart (7 CFR Part 658)

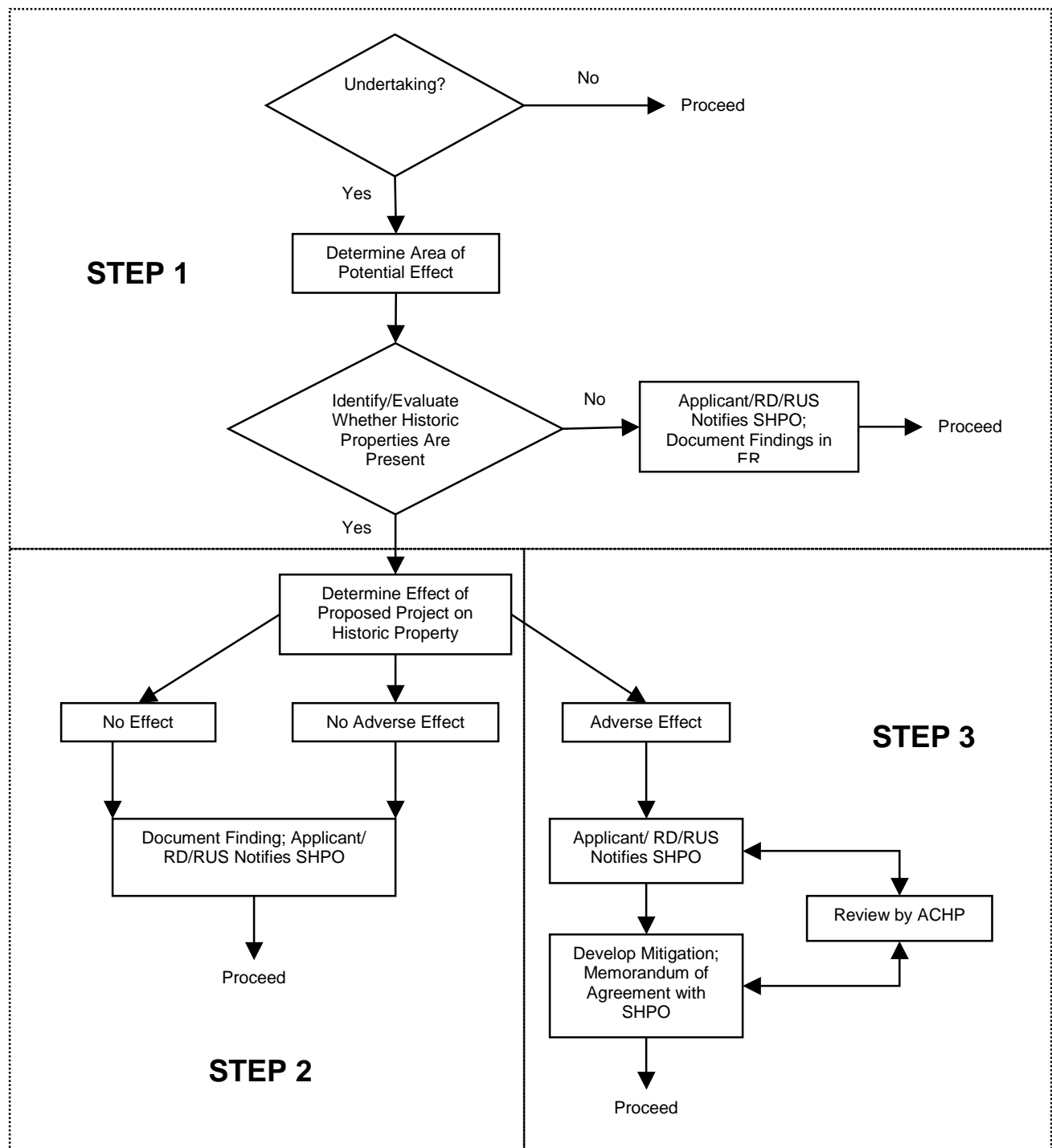
Farmland Conversion Impact Rating Form (Form AD-1006) Designed for Site Specific Facility Locations





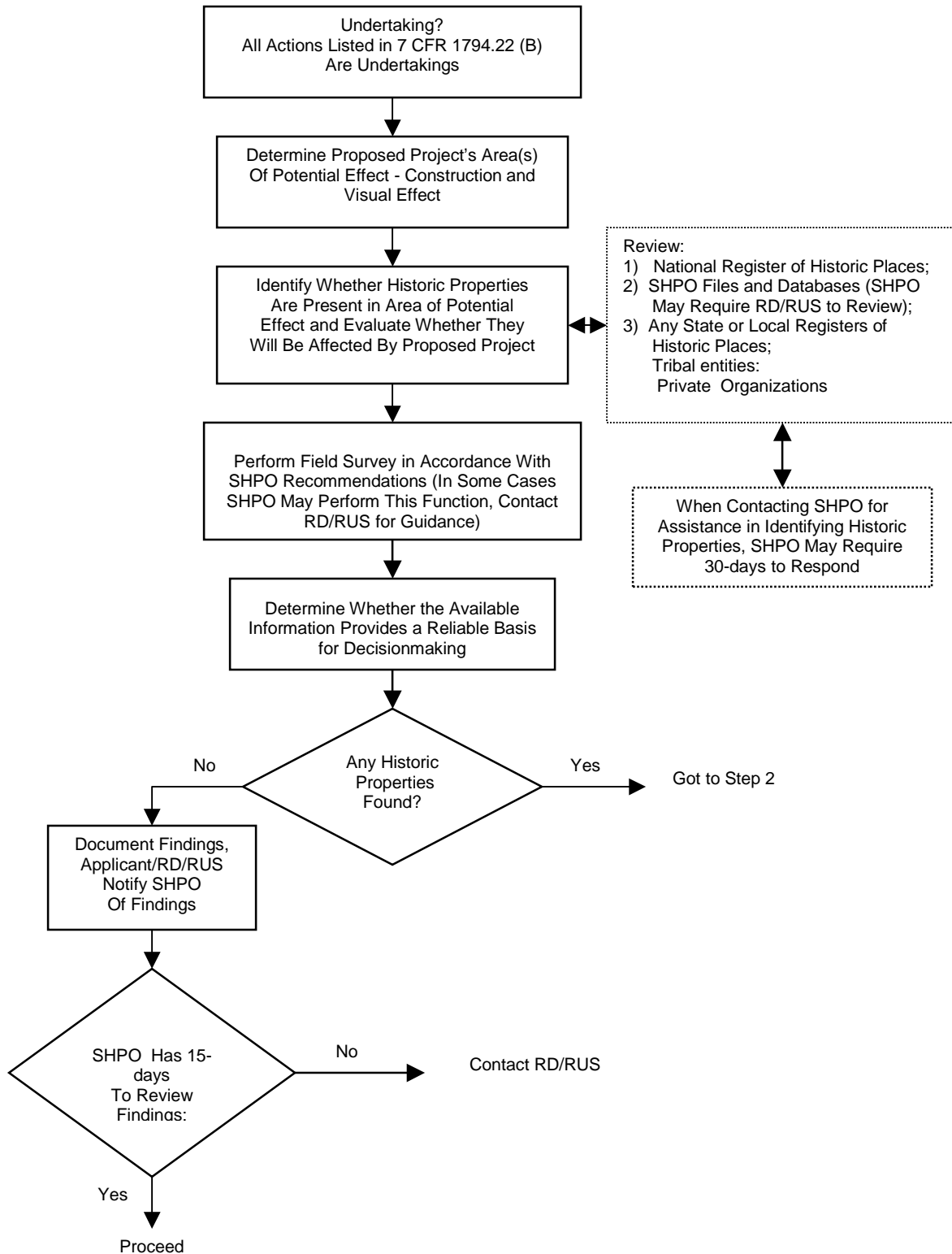
F-2 National Historic Preservation Act - Section 106 Regulations Flowchart

Overview of the Section 106 (36 CFR Part 800) Review Process



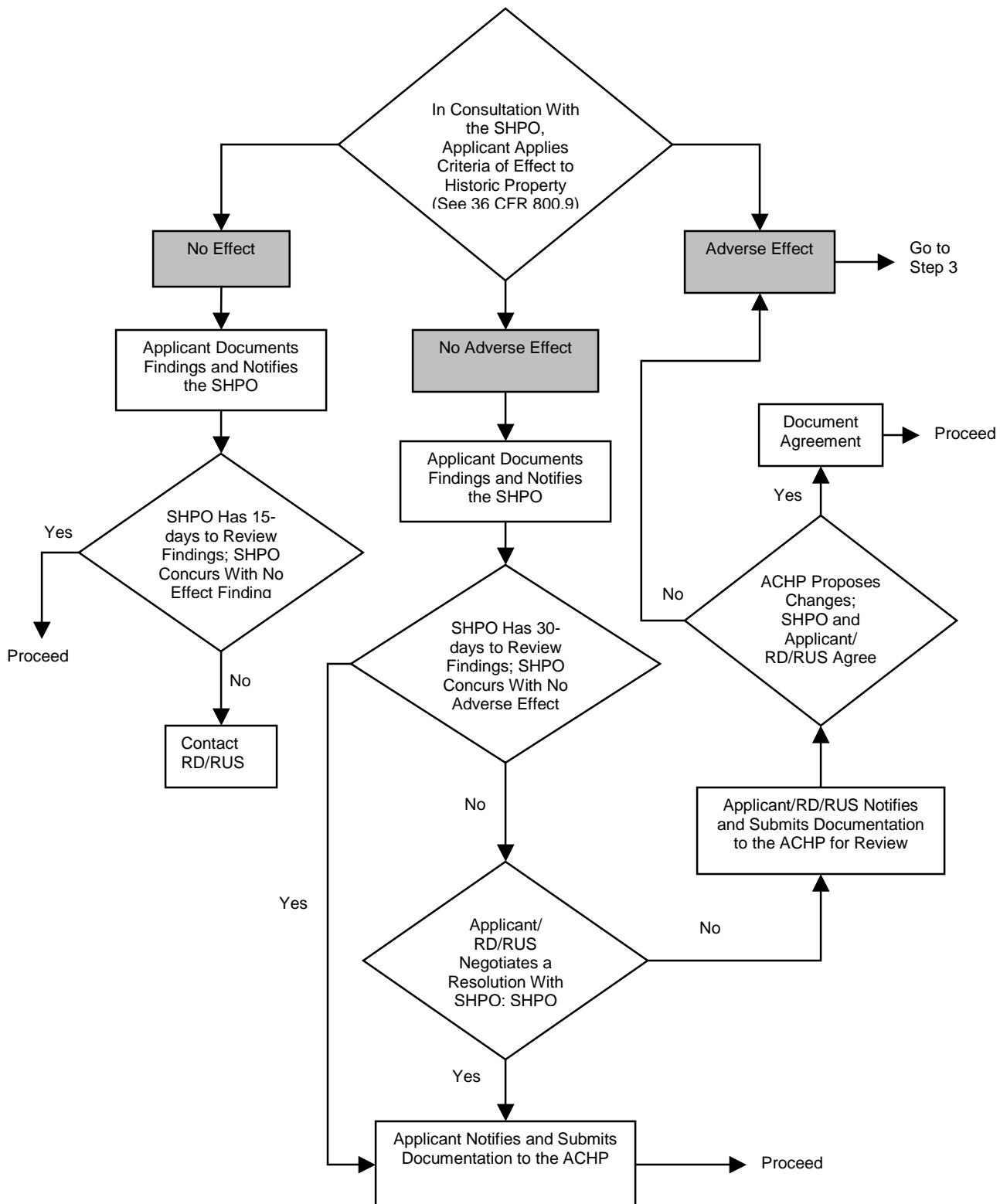
SHPO - State Historic Preservation Officer
ACHP- Advisory Council on Historic Preservation

Step 1 - Identify/Evaluate Whether Historic Properties are Present

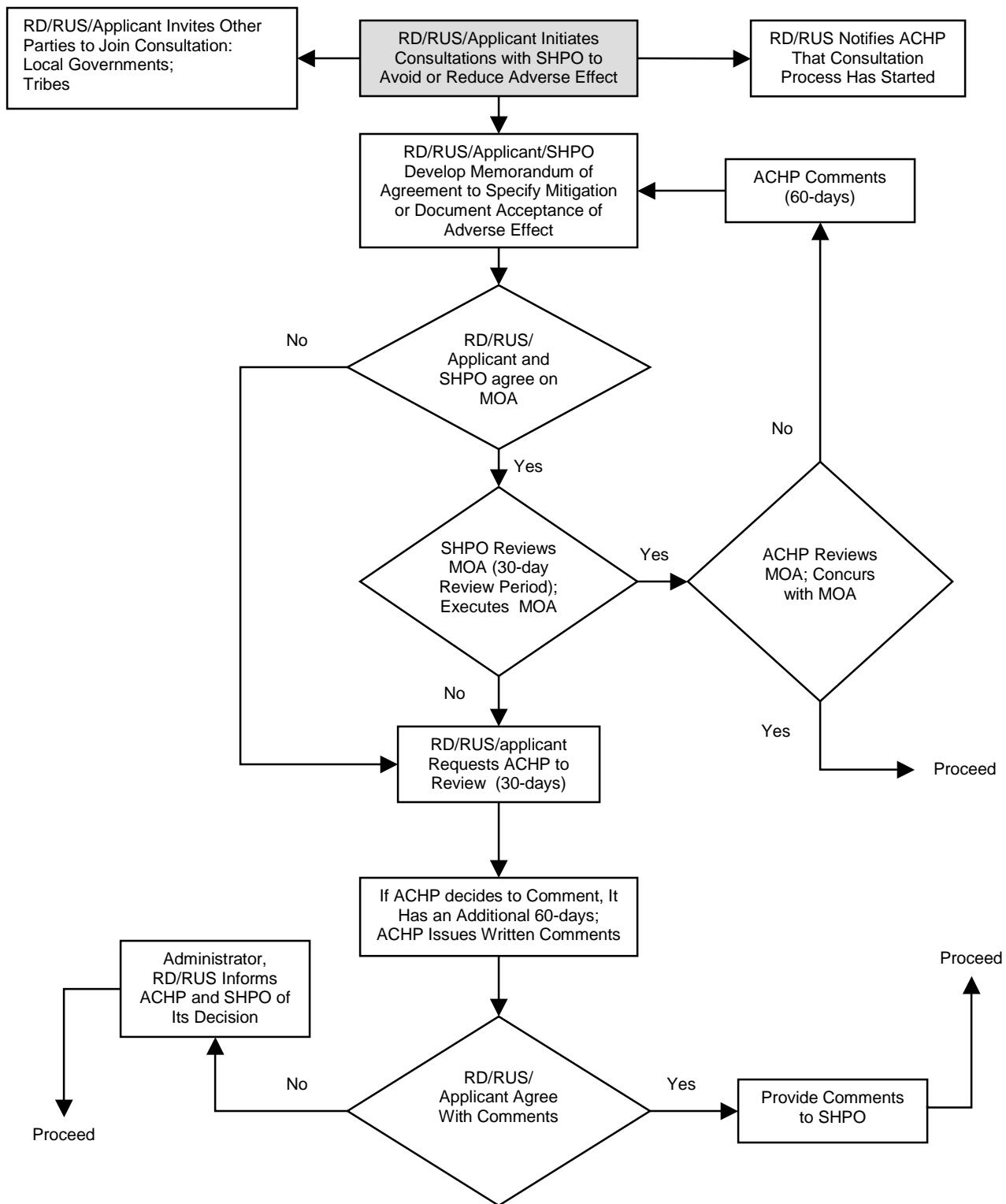


Historic Properties - means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register. This term includes, for the purposes of these regulations, artifacts, records, and remains that are related to and located within such properties. The term "eligible for inclusion in the National Register" includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register listing criteria.

Step 2 - Assess Effect of Proposed Project to Historic Properties



Step 3 - Consultation for Adverse Effects to Historic Properties



This flowchart represents a simplified version of the consultation process between RD/RUS/Applicant and the SHPO and ACHP. The consultation process can be dynamic involving numerous parties and negotiations. In most cases, RD/RUS will take the lead for Step 3 consultations.

F-3 Environmental Justice

NARRATIVE FOR ENVIRONMENTAL JUSTICE AND NEPA FLOWCHART

The Environmental Justice and NEPA Flowchart has been prepared to identify where and how environmental justice issues can be addressed in the NEPA process, if applicable. The draft CEQ's "Guidance for Environmental Justice under NEPA" (April 4, 1997) contains additional suggestions and should also be consulted.

Note that the flowchart portrays a typical EIS process. Some USDA agencies use this same process in the preparation of EAs and should therefore use this flowchart when conducting these documents.

1. Define the purpose and need and area of potential effect of the proposed project

The proposed project should be clearly defined so that interested parties understand what is being proposed. The NEPA document should clearly identify the purpose of the proposal and provide justification as to its need. The proposed project's area of potential effect should be defined (i.e., physical boundary of area reasonably expected to be affected by the action) so that the applicant and RD/RUS can include the minority and low-income populations within this area in all of its outreach efforts.

2. Initiate scoping.

Consideration of potential environmental justice concerns should begin with this step of the NEPA process. Any minority populations and low-income populations located within the area of potential effects should be identified.

When identifying minority and low-income populations, the following definitions used in the Departmental Regulation on Environmental Justice should be used:

Environmental Justice means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on, are allowed to share in the benefits of, are not excluded from, and are not disproportionately or adversely affected by, government programs and activities relating to human health or the environment

Minority - A person who is a member of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic Origin; or Hispanic.

Minority population - Any readily identifiable group of minority persons who live in geographic proximity, and, if circumstances warrant, migrant farm workers and other geographically dispersed/transient persons who will be similarly affected by USDA programs or activities.

Low-income population - Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, migrant farm workers and other geographically dispersed/transient persons who will be similarly affected by USDA programs or activities. Low-income populations may

be may be identified using data collected, maintained, and analyzed by an agency or from analytical tools such as the annual statistical poverty thresholds from the Bureau of the Census' Current Population Reports, Series P-60 on Income and Poverty.

Once the potentially affected parties have been identified, it will be important to communicate with and understand the concerns of these groups. All interested and/or affected parties should be notified of the proposed project. Notification should be accomplished by such means as publishing notices in local newspapers, including those read by potentially impacted minority and low-income groups, and by sending notices out to elected officials, civic organizations, religious organizations, superintendents of schools, local PTAs and other community organizations that can help to facilitate outreach. Announcements should also be made through such vehicles as local radio and television stations and newspapers. Broadcasts and publications made in languages other than English can be particularly helpful in communicating with non-English speakers.

Applicant and RD/RUS should find creative and meaningful ways to facilitate access of information about the proposed project and the NEPA process to potentially affected minority and low-income populations. Outreach possibilities would include organizing public meetings at a time and place that is convenient for the potentially affected communities, scheduling meetings with elected officials and/or community organizations, and publishing a newsletter to keep people informed.

The participation of interested or affected parties should be encouraged during scoping as well as throughout the entire NEPA process. To facilitate participation by persons who do not speak or understand English documents, meetings, personal contacts, and written correspondence should be translated. Such translations pertain to each of the steps that follow.

3. Define range of alternatives to be evaluated.

In cases where a proposed project might have a disproportionately high and adverse impact on minority or low-income populations, applicants and RD/RUS should make a strong effort to encourage members of those communities to help develop and comment on possible alternatives. Efforts would include organizing meetings to facilitate public input on the alternatives.

4. Analyze effects of the proposed project and alternatives considered on the quality of the human environment.

Include an analysis of the extent to which minority and/or low-income populations might be disproportionately affected. The analysis should include potential impacts to subsistence consumption and human health as well as the related economic and social effects of each alternative.

5. Develop mitigation to offset or minimize adverse effects.

The concerns and suggestions of potentially affected minority and/or low-income populations should be carefully considered in the development of mitigation measures. Once mitigation measures have been developed there should be follow-up to ensure they are implemented and are effective.

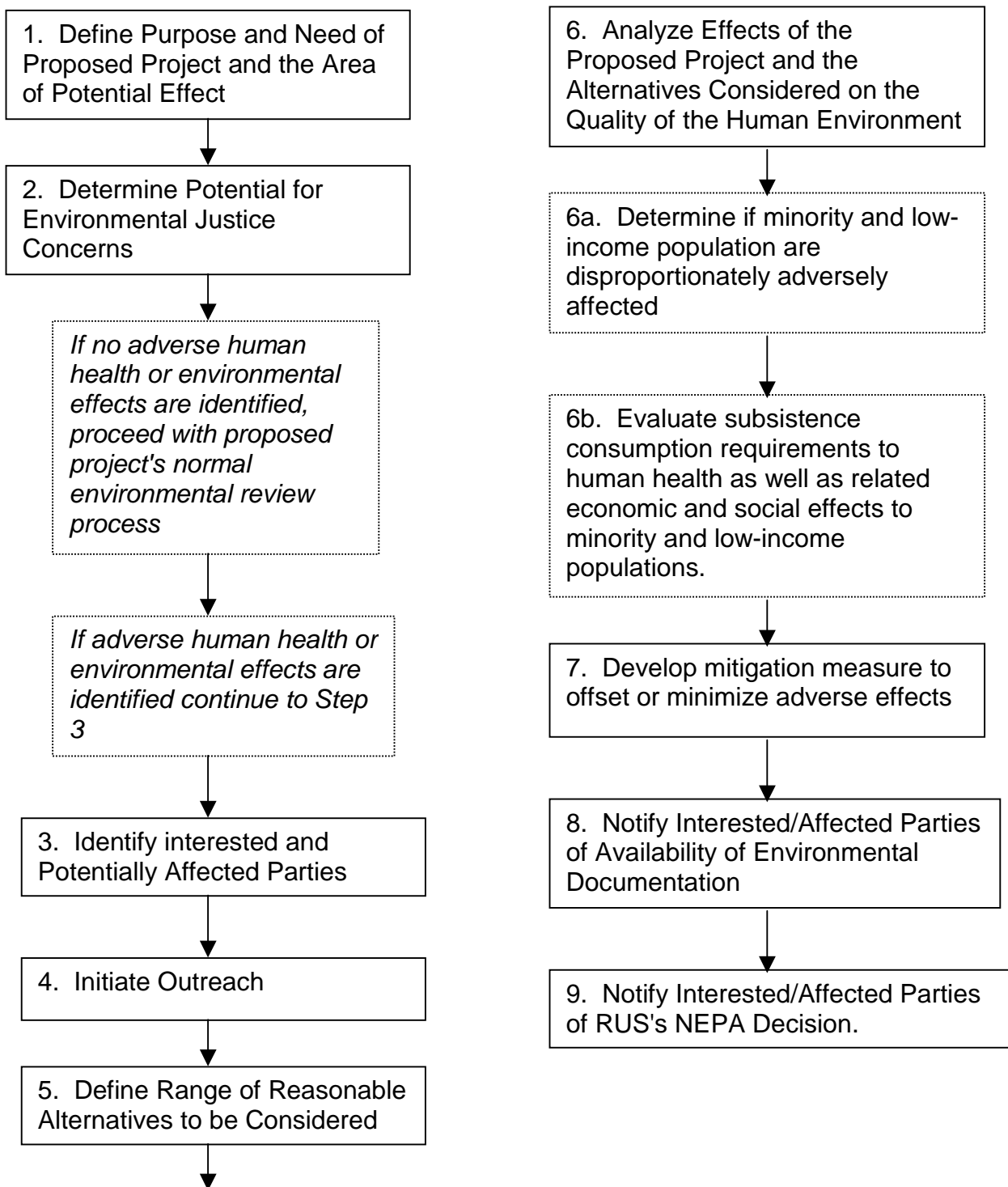
6. Where applicable, notify interested or affected parties of the availability of draft NEPA documents and encourage comment.

The draft provides an important opportunity to demonstrate how concerns raised during the scoping process have been considered in the development of alternatives and to encourage additional input.

7. Notify interested or affected parties of agency decision.

Demonstrate how concerns with the draft NEPA document have been addressed and to address any additional concerns raised before publishing a FONSI. Concerns identified at this time should be incorporated and addressed in the FONSI. Notification should include all parties contacted during the scoping process and those who provided comment on the draft NEPA document. Applicants and RD/RUS are encouraged to meet with any affected populations to discuss and answer questions about the proposed project.

Environmental Justice Implementation Flowchart for Environmental Reports



12.0 Exhibit G – Clean Water Act, Section 404 Permits

The Clean Water Act, Section 404 permitting program is applicable to all construction proposals in RD/RUS programs. There are two primary concerns for RD/RUS proposed projects on wetland areas. The first concern relates to facility placement in areas identified and delineated as wetlands in accordance with the USACE, "1987 Wetlands Delineation Manual" and the other is the routine placement of utility lines through wetland areas.

USACE's permitting program consists of two types of permits – individual permits and nationwide permits. Individual permits will be required for proposed projects that seek to place fill material in a wetland, such as in proposed facility construction. A nationwide permit is a form of general permit that authorizes a category of activities throughout the nation. Some States have specific State-based general and special conditions attached to nationwide permits. These permits are valid only if the conditions applicable to the permits are met. If the conditions cannot be met, a regional or individual permit will be required. For example, a nationwide permit can be utilized for placement of utility lines in wetlands or waterways provided the general conditions of the permit are followed. Below is Nationwide Permit no. 12, Utility Line Discharges.

12. Utility Line Discharges. Discharges of dredged or fill material associated with excavation, backfill or bedding for utility lines, including outfall and intake structures, provided there is no change in preconstruction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and radio and television communication. The term "utility line" does not include activities which drain a water of the United States, such as drainage tile; however, it does apply to pipes conveying drainage from another area. This NWP authorizes mechanized land clearing necessary for the installation of utility lines, including overhead utility lines, provided the cleared area is kept to the minimum necessary and preconstruction contours are maintained. However, access roads, temporary or permanent, or foundations associated with overhead utility lines are not authorized by this NWP. Material resulting from trench excavation may be temporarily side-cast (up to three months) into waters of the United States, provided that the material is not placed in such a manner that it is dispersed by currents or other forces. The DE may extend the period of temporary side-casting not to exceed a total of 180 days, where appropriate. The area of waters of the United States that is disturbed must be limited to the minimum necessary to construct the utility line. In wetlands, the top 6" to 12" of the trench should generally be backfilled with topsoil from the trench. Excess material must be removed to upland areas immediately upon completion of construction. Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line. (See 33 CFR Part 322).

Notification: The permittee must notify the district engineer in accordance with the "Notification" general condition, if any of the following criteria are met:

- a. Mechanized landclearing in a forested wetland;
- b. A Section 10 permit is required for the utility line;
- c. The utility line in waters of the United States exceeds 500 feet; or,
- d. The utility line is placed within a jurisdictional area (i.e., a water of the United States), and it runs parallel to a streambed that is within that jurisdictional area. (Sections 10 and 404).

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SECTION 3

Idaho RD Instruction 1940-G –
"Natural Resource Management Guide",
State Supplement to RUS Bulletin 1794A-602

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Idaho RD Instruction 1940-G
State Supplement to
RUS Bulletin 1794A-602

(Re-file as Idaho 1970-A when 7
CFR 1970 is a final rule)

Natural Resource Management Guide Idaho



Idaho RD Instruction 1940-G
State Supplement to
RUS Bulletin 1794A-602

(Note: all telephone numbers herein are Area Code (208) unless otherwise indicated)

(Note: Re-file as Idaho RD
Instruction 1970-A when RD
Instruction 1970-A is released)

Natural Resource Management Guide

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U.S. Department of Agriculture

Rural Development

1. **PURPOSE:** This Natural Resource Management Guide for Idaho is to be used to assist in implementing RD Instruction 1940-G, "Environmental Program", for the programs of the Rural Housing Service (RHS) and the Rural Business - Cooperative Service (RBS) and in implementing RUS Instruction 1794, "Environmental Policies and Procedures", for the Water & Waste Programs of the Rural Utilities Service (RUS). It takes into account important State, regional, and local natural resource management objectives.

Applications for **financing** individual projects, **servicing**, or **other actions** must be reviewed for consistency with this Guide. For partial releases, the anticipated changes that will result, accommodated by the release, must undergo an environmental review. Transfers resulting in a change of use must be assessed. This Guide summarizes the various standards of protection that apply to natural resources, land uses, and other environmental factors. For proposed RHS & RBS actions which are likely to lead to Class I or higher environmental reviews, copies of this Guide are to be given as a handout along with Form RD 1940-20, to applicants to help assure obtaining comprehensive information. (For a single family housing project that is escalated to a Class I assessment, RHS policy is the loan specialist shall assist the applicant in preparation of the 1940-20.) (Unless there is an environmental assessment attached to a 1940-20, **the items after the first page of Form RD 1940-20 must be addressed** – the short list if a Class I assessment and all the items if a Class II.) For RUS actions that are likely to lead to a "Categorical Exclusion with an Environmental Report" or higher environmental review, copies of this Guide, RUS Bulletin 1794A-602, and RUS Instruction 1794 should be given to the person who will prepare the environmental report.

2. **GENERAL POLICY:** The general policies contained in RD Instruction 1940-G and/or RUS Instruction 1794 are paraphrased for reference:

a. **All RD loan specialists shall consider environmental quality as equal with economic, social, and other relevant factors in program development and decision making processes.**

b. Preparers of environmental documents shall **consult with** appropriate Federal, State, and local agencies, **Indian Tribes (regardless if the site is on or off a reservation)**, and other organizations, if they may have an interest, to obtain information for assessing potential environmental impacts. The consultation shall begin **AS SOON AS** a proposed action appears to be viable. For RUS programs, the environmental report is to be developed concurrently with the preliminary engineering report (facility plan, master plan, etc.) to

assure the environmental impacts of alternatives are considered in the planning stage.

ENVIRONMENTAL REVIEWS SHALL NOT BE ACCOMPLISHED AS AN AFTERTHOUGHT, BUT PRIOR TO THE AGENCY MAKING ANY FUNDING OR SERVICING DECISIONS.

c. Loan specialists SHALL NOT MAKE ANY IMPLIED NOR WRITTEN PROMISES NOR DECISIONS on whether or not to approve an action until the environmental review process is completed (which includes the conclusion of all required public comment periods).

d. Applicants shall be cautioned to not take any actions that would constrain the range of alternatives to be considered in the environmental review process, such as purchasing a site. Any such actions may be grounds for rejecting applications.

e. The direct and indirect impacts of alternatives shall be examined. The objective is to derive the alternative that is financially feasible and has the least environmental impact even if such alternative costs more than other more environmentally harming alternatives. The "no-action" alternative shall be considered, particularly with respect to the need of the proposal.

f. If significant adverse environmental impacts exist with the best alternative, measures to mitigate them into insignificance shall be required, the proposed action rejected, or an Environmental Impact Statement prepared. Mitigation measures shall be made a condition of approval of the action. COMPLIANCE WITH MITIGATION MEASURES WILL BE MONITORED DURING ALL DEVELOPMENT AND/OR SERVICING VISITS AS APPROPRIATE.

g. Required intergovernmental reviews shall include all tribes that may attach religious or cultural importance to properties that would be affected by the proposed action, regardless if on or off a reservation. Any information sent to the State Historical Preservation Officer shall also be sent to the Tribal Historical Preservation Officer(s).

3. CUMULATIVE IMPACTS

The Council on Environmental Quality expects federal agencies to place more emphases on cumulative impacts than has been accomplished in the past. Preparers shall consider the effect of the alternatives along with all other activities, however financed, reasonably expected to occur in the vicinity of a proposal, on the environmental resource. The past, present, and future condition of the resource should be stated. The proposal must not be the "straw that breaks the camel's back". Some environmental experts believe the "past" should be about five or ten years ago; others, believe it is more

meaningful to estimate the pristine conditions.

Program Directors and Area Directors shall periodically review the activities in their jurisdiction and advise the State Director if they believe preventative action should be taken because an accumulation of activities, which may individually produce negligible effects, is causing significant adverse environmental impacts.

Examples are:

1. The effect of many new housing loans in a community on the continuing suitability of the public services available.
2. New housing loans around a community situated in an area of prime farmland, resulting in substantial conversion.

4. **Resource - HISTORICAL, CULTURAL, AND ARCHAEOLOGICAL PROPERTIES**

- a. Legal basis: Sections 106 & 110 of the National Historic Preservation Act (NHPA) and implementing regulations 36 CFR 800; Executive Orders 11593, 13006, & 13007; Archaeological and Historic Preservation Act; Native American Grave Protection and Repatriation Act and the National Environmental Policy Act (NEPA).
- b. A major revision of the Section 106 regulations became effective on June 17, 1999. Major changes include:
 1. Consultation is generally required with Native American Tribes that may attach religious or cultural significance to the area of potential effect (APE) regardless whether or not the area is on a reservation.
 2. The Advisory Council for Historic Preservation (ACHP) will no longer review routine actions.
 3. The prime role of the Federal Agency is emphasized.
 4. The role of other "Consulting Parties" with a demonstrated interest is clarified.
 5. The role of the Applicant in the process is recognized.
 6. Use of the Agency's National Environmental Protection Act (NEPA) compliance regulations in lieu of the ACHP's processing regulations is allowed.

A good website is www.achp.gov/usersguide.html.

- c. USDA, Rural Development is responsible for all findings and determinations under Sect. 106 even if the Preparer is not a USDA employee. Where consultation under Paragraph e., below is required, it will generally be accomplished in lieu of an intergovernmental review submittal to the State Historical Preservation Officer/Tribal Historical Preservation Officer (or if no THPO, the tribes' Directors of Cultural Resources) to eliminate multiple submittals. If a consulting party complains to ACHP about the proposed action and ACHP thinks the complaint has merit, ACHP will notify the Secretary of Agriculture and the Administrator of the affected agency.
- d. Standard of Protection: At the earliest stage of consideration of an application, Preparers shall identify any property that is listed in the National Register of Historic Places **or may be eligible for listing** and is located in the APE of the proposed action. Effects include physical alteration, destruction, removal, visual or audible intrusion, pollution or neglect of a property, or the lease or sale of a property out of Federal ownership. Idaho FmHA Instruction 1901-F (a listing of places on the National Register of Historic Places) is no longer kept up-to-date. Instead check website: cr.nps.gov/nr/ Intro, NRIS, NRIS, county, Idaho, Search, choose the county, Search. Loan officials shall protect historical, cultural, or archaeological properties from significant adverse impacts or shall avoid significant adverse effects by conducting a Section 106 review considering all viable alternatives and mitigation measures. In some instances, the "No-Action" alternative may be the best alternative for the Government.
- e. Implementation: Consultation with the SHPO/THPO and other identified consulting parties is required under Section 106 if potential effects on historic properties are identified or if any of the following are involved:
 - 1. Ground disturbing activities are involved in earth that has not previously been disturbed by modern man.
 - 2. Structures over 50 years old will be affected.
 - 3. Structures less than 50 years old that may possess exceptional historical significance will be affected.

The consulting parties have 30 days to provide initial comments and the consultation process may be prolonged; therefore, early initiation

Idaho RD Instruction 1940-G
State Supplement to
RUS Bulletin 1794A-602

of Section 106 is important. The Preparer should assemble Items 1 – 10 of the following list and transmit them to the loan specialist. The loan specialist should draft the findings and determinations transmittal letter and send the package to the approval official. S/he will finalize Item 11 and transmit the package to the SHPO/THPO's. The following list is the basic information required by the SHPO/THPO's to review proposed actions:

1. USGS topo. map or a formal city map clearly showing the alternative locations, project boundaries, and APE's.
2. Legal description of the project area (Township, Range, & Section).
3. Name(s) of the Federal Agency(ies) involved.
4. Project description that clearly specifies all project components and provides details on work that may involve ground disturbance. For example, are existing facilities (pipelines) being replaced or is it new construction?
5. Photographs of the proposed alternative locations. Photos should include several views from the locations that show the surrounding area.
6. Brief description of the condition of the ground surface; that is, any information related to past construction ground breaking activities within the project area. For example, to what estimated depth has the area been plowed, cut, or filled? Is it paved, graveled, or covered with dense vegetation? Were there structures located on the property in the past? Sources that can provide such historical information include county historical societies and local long-time residents.
7. Idaho Historic Sites Inventory form (with accompanying maps and photographs) for all buildings and structures that will be removed or altered during construction. The information must include the date of original construction of the building and a description of any alterations that have taken place. For example, has the siding been changed? Have the windows been replaced?
8. If the project will involve altering a structure or building, a Project Description form (with accompanying photographs and drawings) to provide a clear description of the proposed alterations.
9. Architectural plans, drawings, and elevations, if available.
10. A report by a recognized archaeologist if USDA, Rural Development has requested the applicant obtain one.
11. The findings and determinations of USDA - Rural Development approval official. The Deputy SHPO should be asked what specific reason she has to believe a site is likely to be of significance, if she is going to request a field visit and report by a consulting archaeologist as part of "identification".

f. Appendix 4 is a flow chart of the Section 106 process and a Summary.

g. **No information shall be sent to the ACHP without being cleared by the Program Director and the State Environmental Coordinator.**

h. All construction contracts involving excavation should contain a provision that if a historical or archaeological artifact is uncovered, construction shall be temporarily halted and the find immediately reported to USDA, Rural Development.

i. Contacts:

Suzan Pengilly Neitzel, Deputy SHPO
210 Main St.
Boise, ID 83702
334-3861, -3847, or -4758
Fax: 334-3775

Advisory Council on Historic Preservation
12136 W. Bayaud Ave, Ste. 330
Lakewood, CO 80228
(303) 969-5110 Fax (303) 969-5115

See Appendix 5 for a map of the areas of tribal concern and a listing of the THPO's or, if none, the tribal Cultural Resources Offices. The areas overlap and for some sites up to 4 tribes must be consulted.

5. Resource - **WILD AND SCENIC RIVERS**

- a. Legal basis: Wild and Scenic River Act, NEPA, 7 CFR 3100, Executive Order 11514.
- b. Standard of Protection: No action shall be taken that has an adverse effect on the scenic, recreational, fish, or wildlife values of a listed river or one designated for potential listing. This includes the land visible from such rivers. Also, actions above, below, or on tributaries of such rivers which unreasonably diminish the values present in the area are prohibited.

In some instances new structures that have an architecture of an earlier time, such as a real or simulated log structure, may be acceptable. If not, a screen of vegetation may be an acceptable mitigation measure.

c. Contacts:

Salmon River Drainage and South:

USFS, Region IV, Recreation. Dept.
324 25th St.
Ogden, UT 84401
(801) 625-5164 Fax (801) 625-5170

North of Salmon River Drainage:

USFS, Region I
P.O. Box 7669
Missoula, MT 59807
(406) 329-3584 Fax (406) 329-3132
or
National Park Service, Pacific W. Region
909 First Ave.
Seattle, WA 98104
(800) 889-9204 Fax (206) 220-4159

Snake River, Palisades Dam to confluence with Henry's Fork:

Bureau of Land Management
1405 Hollipark Dr.
Idaho Falls, ID 83401
524-7500 Fax 524-7505

and

Bureau of Reclamation
1150 N. Curtis Rd.
Boise, ID 83706
378-5155

Also contact the regional office of Fish and Game (see Appendix 1) for all Wild and Scenic Rivers.

d. Designated locations: A list of locations is given in Appendix 3.

6. Resource: **IMPORTANT FARMLAND, PRIME FOREST LAND, AND PRIME RANGELAND**

- a. Legal basis: USDA Departmental Regulation 9500-3, Farmland Protection Policy Act (FPPA), Idaho Forest Practices Act.
- b. Standard of Protection: The conversion of Prime Farmland, Farmland of Statewide Importance, (the Natural Resources Conservation Service [NRCS] has stated that there is no Unique Farmland in Idaho), Prime Timberland, Unique Timberland, Timberland of Statewide or Local Importance, or Prime Rangeland shall be avoided unless there are no practicable alternatives, the planning criteria of 1940.304 (a)(2) are followed, and all practicable measures to reduce the adverse impacts and the amount of conversion are taken. Increased costs to avoid conversion (usually up to about a 10% increase) are generally supported by co-funding agencies. If sufficient financial support from other sources is not available, it may make avoidance of conversion impracticable.

Preparers of environmental assessments or reports shall contact the NRCS District Conservationist to determine if any proposed alternative sites involve important lands. NRCS need not be consulted if the parcels are too small to be an economical farm, timberland or range unit considering the region of the State. (The USDA, Rural Development Area Office Managers are an excellent resource as to the minimum size of a land parcel to be considered an economical production unit.) Be sure to stress to NRCS that you wish the criteria of Departmental Regulation 9500-3, which USDA, Rural Development considers to still be in effect, not the weaker FPPA, be used. Departmental Regulation 9500-3 is reprinted in 1940-G, Exhibit A. Appendix A of the Exhibit contains the definition of Prime Forest Land: capable of growing timber at a rate ≥ 85 CF/Ac./year at culmination of the mean annual increment **and that is not in urban or built-up land use**. There is no such definitive definition for Prime Rangeland.

The Forest Service and the State Forester do not have the staff to assist us outside lands that they manage. When the NRCS District Conservationists are asked to classify Prime Timberland per the definition in Departmental Regulation 9500-3, they have usually been helpful.

Appendix 6 is a list of the addresses and phone numbers of the NRCS District Conservationists.

NRCS has 45 days to answer a request for prime farmland determination. If no answer is received the Preparer must make a judgment with whatever information is available.

Area and Outreach offices shall obtain copies of soil surveys from

NRCS and place them in a permanent file.

The counties with published soil surveys for all or parts thereof are:

Ada	Canyon	Lincoln <u>7/</u>
Adams	Caribou <u>4/</u>	Madison
Bannock	Cassia	Minidoka
Benewah <u>1/</u>	Elmore	Owyhee <u>8/</u>
Bingham	Fremont	Payette
Blaine <u>2/</u>	Gem	Power
Boise <u>3/</u>	Idaho <u>6/</u>	Shoshone <u>1/</u>
Boundary	Jefferson	Teton
Bonner	Jerome	Twin Falls
Bonneville <u>4/ 5/</u>	Kootenai	Valley <u>3/</u>
Camas	Latah	Washington

1/ Partially in "St. Joe Area" Report

2/ Partially in "Minidoka Area" Report

3/ Partially in "Middle Fork Payette" Report

4/ Partially in "Star Valley" Report

5/ Partially in "Teton Area" Report

6/ Partially in "Kooskia Area" Report

7/ Only part, in the "Minidoka Area" Report

8/ Partially in "Duck Valley" Report, which covers Idaho and Nevada

For an action in which farmland or forestland conversion cannot be avoided and for which the "no-action" alternative is not the best alternative, the Land Evaluation - Site Assessment (LESA) scoring system may be appropriate. LESA can be used to determine if an alternative site or corridor ranks high enough to warrant concern. LESA may also be appropriate to determine if mitigation measures should be considered to direct growth in population facilitated by financing infrastructure improvements, away from the most important farmland.

The Preparer of the environmental documentation scores the SA portion of the LESA system; NRCS scores the LE. If the Preparer would score a site or corridor at more than 60 out of 160 points for the SA, the Preparer should inquire of NRCS if they consider it appropriate to use LESA to score it – for instance would the total LESA score likely exceed 160 points (the maximum points for the LE is 100). This is because if a site has a total LESA score of 160 or less, further concern about protecting the farmland or forestland need not be given.

Form AD 1006 (SCS-CPS-106 for corridors) shall be given to the local NRCS District Conservationist to start the evaluation after alternatives are identified.

c. Other Contacts:

Bureau of Land Management
3833 S. Development
Boise, ID 83705
387-5457

State Forester
Dept. of Lands
Statehouse
Boise, ID 83720
334-0200
Fax 334-2339

7. Resource - WETLANDS

- a. Legal basis: Executive Order 11990, "Protection of Wetlands;" Section 404, Clean Water Act, 33 CFR 320 to 330; USDA Regulation 9500-3; NEPA.
- b. Standards of Protection: Wetlands are considered to be one of the most important environmental resources. The conversion of wetlands shall almost always be avoided. There must be no practicable alternatives, the planning criteria of 1941.304 (a) (2) must be followed, and all practicable measures to reduce adverse impacts and the amount of conversion must be taken. If a wetland is filled or drained, one possible mitigation measure is to require a wetland to be constructed elsewhere that is of equal or higher quality – not necessarily of equal size. When discharge of dredged material or embankment cannot be avoided on wetlands hydraulically connected to waters of the United States, a permit from the US Army, Corps of Engineers is usually required. There is a nationwide permit to cover installation of pipe as long as the wetlands are restored. The nationwide permit for housing sites has been changed by court order to now cover lots of ¼ Ac. or less.

The Corps' standards of delineation differ somewhat from what would be used if only following the Executive Order definition of a wetland. However the Supreme Court of the United States recently ruled that the Corps cannot regulate intrastate wetlands that are not connected to "Waters of the United States" even if used by birds that migrate interstate and/or internationally. **Nevertheless, Rural Development is still subject to the Executive Order 11990 and Departmental Regulation 9500-3.** The current definition in Departmental Regulation 9500-3 is those areas that are inundated by surface or ground water frequently enough to support vegetation and aquatic, amphibian, or avian life that **requires some period of saturated conditions** for growth or reproduction. Wetlands generally include swamps, marches, bogs, sloughs, potholes, wet meadows, river overflows, mud flats and

natural ponds. Wetland maps published by FWS have been furnished to all affected Area & Local Offices. These maps were developed using aerial photos, and a field visit is necessary to determine if an

identified wetland on the map is actually a wetland. NRCS soils surveys may be of help by indicating hydric soils. Private consulting wetland experts may have to be retained to make delineations if the Corps or NRCS cannot help.

- c. Contacts: (Army COE Website: usace.army.mil)

Snake R. Drainage and south:

Army Corps of Engineers
201 N. Third Ave.
Walla Walla, WA 99362-1876
(509) 522-6622 Fax (509) 522-6943

North of Snake R. Drainage:

Army Corps of Engineers
PO BOX C-3755
Seattle WA 98124-3755
(206) 764-3660 Fax (206) 764-6678

Retaining a wetland delineation expert should be avoided when it is obvious that no wetlands are involved.

8. Resource - **FLOODPLAINS**

- a. Legal basis: Executive Order 11988, "Floodplain Management; USDA Regulation 9500-3; NEPA. National Flood Insurance Program and local floodplain zoning ordinances.
- b. Standards of Protection: Development in floodplains shall be avoided unless all of the following considerations are met:
1. There are no practicable alternatives.
 2. The planning criteria of 1940.304(a) (2) of RD Instruction 1940-G are followed for RHS and RBS actions.
 3. The requirements of the local floodplain zoning ordinance are met.

4. All practicable measures to reduce adverse impacts and the amount of floodway restriction are taken.

There may be fair justification for construction in a floodplain if it can be documented that:

1. Building on a proposed site will not significantly increase backwater elevations or the areal extent of a flood due to other nearby existing structures or other barriers already affecting the flood hydraulics
2. The loss in the riparian values for fish or wildlife habitat would be insignificant.
3. Flood insurance is available to compensate for property loss.
4. Flash flooding, which could cause injury or death, is unlikely in the basin.

Structures shall be constructed with the lowest floor, including the "basement" floor, elevated above the 100-year flood plain. Also, no fill or structure shall be placed in the 100 year floodway so as to cause any increase in the 100 year flood elevation. The 500-year floodplain is the floodplain of concern for actions considered critical; such as, buildings containing over 50% handicapped persons, health care facilities where general anesthesia will be practiced, and facilities storing toxic, water-reactive, or flammable materials. In Idaho there is almost always higher land available within a reasonable distance; therefore, significant floodplain impacts are expected to be rare. See 1940-G, Exhibit C, pages 5 and 11, regarding disposal of real property in a floodplain.

- c. Contacts: First check for Flood Insurance Rate Maps. If none, contact the local city or county Planning Director to see if they have a copy of a floodplain study published by the Corps of Engineers. Check the Corps Website: usace.army.mil/ for the latest telephone numbers of their District Hydraulics Branches. If the Corps cannot help, check if an NRCS soil survey exists, which may indicate alluvial soils.
- d. Mapped locations: The best map available for a site shall be used. However, if a site is in a floodplain per the Flood Insurance Rate Map, it is considered in a floodplain until officially removed. Corps of Engineers Reports, FEMA flood maps, and USGS flood maps have been sent to affected Area and Outreach Offices in past years for permanent filing. The USGS flood maps are of doubtful accuracy.

9. Resource - **ENDANGERED SPECIES AND CRITICAL HABITATS**

- a. Legal basis: Endangered Species Act
- b. Standards of Protection: Complete prohibition. No action shall be taken which adversely affects an endangered or threatened species, or their critical habitats. Also, no action affecting a species listed as Experimental/Non-Essential or under study for endangered or threatened status by the Fish and Wildlife Service or the National Marine Fisheries Service shall be taken without the written approval of the State Director, after consultation with FWS or NMFS, as appropriate.
- c. Contacts:
 - U.S. Fish and Wildlife Service (FWS)
1387 S. Vinnell Way
Boise, ID 83709
378-5243
 - National Marine Fisheries Service (NMFS)
7600 Sand Point Way NE
Seattle, WA 98115-0070
(206) 526-6150

The State also has listed species of concern and they should be given consideration when evaluating the effects of a proposed action on the natural environment. The list is too voluminous to include herein. The appropriate F & G Regional Office (Appendix 1) should be contacted, an explanation of the alternative actions and sites discussed, and F & G's opinion sought as to whether or not there are any concerns with state species. If a critical wildlife habitat of state concern may be involved, Fish and Game may take up to 45 days to determine if a habitat is critical, so early contact is essential. If the habitat is on USFS or BLM land, also contact the regional office of that agency.

FWS may require the Preparer to do a Biological Assessment for FWS review. If so, make as much use as possible of the local F&G officials to determine the extent of the presence of a species and to evaluate the effects of the proposal and the alternative proposals on the species and their habitat. To avoid unnecessary contact with FWS or NMFS, only refer information about a proposed action to them if it may affect an Endangered, Threatened, Experimental/Non-Essential, or Candidate Species. **If in doubt, consult with them.** The transmittal letter to FWS should state the approval official's opinion regarding the effects or lack thereof, the backup information to support the opinion, and a request for their concurrence.

FWS does not usually have the staff to help in the field. They tend to respond by letter listing every endangered species that may be in the vicinity. Often they cite the Ute ladies' tresses if the site is between 1,800 and 7,000 ft. above sea level.

If a proposed project involves construction in moist soils near streams, lakes, perennial streams, or in meadows or riparian woodlands, the loan specialist should be on the lookout for tresses, best identified by the blooms, when visiting the site during July through October. A color picture of the blooms is given in Appendix 10. Always check with Fish & Game about current locations of federally listed critical habitats and with FWS or NMFS, if any doubt. Idaho Fish & Game usually will help identify habitat and offer advice on the possibility of adverse effect.

A list of endangered, threatened, candidate, and experimental/non-essential species by county is included in Appendix 9.

10. Resource - **SOLE SOURCE AQUIFERS & STATE GROUND WATER QUALITY STANDARDS**

- a. Legal basis: Safe Drinking Water Act, NEPA, the State's "Ground Water Quality Protection Act of 1989".
- b. Standards of Protection: The designated sole source aquifers and their stream flow source areas (recharge areas) shall be protected from pollution by storm and sanitary sewage and chemicals. No financial assistance will be offered for activities which may significantly harm a designated aquifer. This may involve significant changes in land use or intensity; drywell construction; septic tanks; and sewage treatment plant effluent discharges in the recharge area.

The State has developed the Idaho Ground Water Quality Plan. This is the first step toward the development of laws and regulations necessary to protect the ground water of the State. See IC 39-127.

- c. Implementation: Appendix 2 is the Memorandum of Understanding between USDA, Rural Development, Idaho and EPA, Region X containing the rules under which we shall implement the Safe Drinking Water Act as it pertains to Sole Source Aquifers. The EPA might consider on-site sewage treatment as a good alternative if there is some assurance of proper operation and maintenance. Following the MOU are the maps of the designated sole source aquifers and the stream flow source areas; namely, the Spokane Valley - Rathdrum Prairie Aquifer, the Lewiston Basin Aquifer, and the Eastern Snake River Plain Aquifer. The best map available from EPA for the Lewiston Aquifer is cluttered with contour lines. Following this map is a tracing, enlarged, with the topography omitted. It appears that most of the area in and around the periphery of the City of Winchester is within the project review area. If a proposal would require consultation with EPA under the MOU, near the review area boundary, first ask EPA to

determine if the site is in or out.

Remember it is the project review area (sometimes referred to as the recharge area), not just the area above the aquifers, that is the area of concern. For an action that is categorically excluded, under RD Instruction 1940-G, and there is no reason to refer it to EPA; it need not be kicked-up to a Class I Assessment.

For other than federally designated sole source aquifers, if the Preparer reasonably believes that there is a potential for significant adverse impact on ground water quality, s/he should obtain recommendations from the regional DEQ office.

11. Resource - **AIR QUALITY**

- a. Legal basis: Clean Air Act, NEPA
- b. Standards of Protection: Air quality will be protected or impacts will be mitigated. Most of Idaho has areas of the best air quality (Class I) in which the least degradation is allowed. Non-attainment areas (NAA) are also sensitive and must be prevented from being made worse. Non-attainment means the National Ambient Air Quality Standards (NAAQS) have been exceeded.
- c. Contact:

IDHW - DEQ, Air Quality Section
1410 N. Hilton
Boise, ID 83706
373-0198
- d. Non-attainment Areas:

The standard for non-attainment of fine particulates levels concerns places which have in excess of $150 \mu\text{g}/\text{m}^3$ of particles with an aerodynamic diameter of 10 microns (PM-10) or less. By February 15th 2004, states are to make recommendations to EPA as to which of their counties meet the new PM-2.5 standards. (EPA was to make decisions on which counties are in non-attainment for PM-2.5 by December 15, 2004. N. Ada, Power/Bannock, Bonneville, Kootenai, Twin Falls, and Nez Perce Counties are likely to be non-attainment.)

1. **N. Ada County:** Has had PM-10 violations and, prior to 1988, carbon monoxide violations. Now following court action, it is considered in attainment as long as nitrogen oxides and volatile organic compounds, are additionally controlled.

2. **Power & Bannock Counties:** near Pocatello: PM-10.

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3. **Sandpoint Area:** PM-10 (wood burning, fugitive road dust and some industrial)

4. **Portion of Silver Valley around Pinehurst:** PM-10 (wood burning and secondarily, fugitive road dust)

e. Additional Current Areas of Concern:

1. **Kellogg:** PM-10

2. **Soda Springs:** PM-10 and sulfur dioxide

3. **Lewiston:** PM-10 (wood burning, fugitive road dust, Industrial plants)

4. **Salmon:** PM-10 (woodstoves, prescribed fire, wildfire)

5. **Kootenai County:** (pollutants trapped by temperature inversions)

12. Resource - **NATURAL LANDMARKS**

a. Legal basis: National Natural Landmarks Program, 36CFR1212; NEPA

b. Standards of Protection: The natural values of national natural landmarks shall be protected from significant adverse impacts including visual impacts upon the area.

c. Contact:

Natural Landmarks Coordinator
National Park Service, Pacific W. Region
909 First Ave.
Seattle, WA 98104
(800) 889-9204 Fax (206) 220-4159

d. Designated Landmarks:

Adams County - Sheep Rock, 35 miles NW of Council

Bingham & Bonneville Counties - Hell's Half Acre Lava Field, 20 miles west of Idaho Falls

Blaine, Minidoka, and Power Counties - Great Rift System, centered 43 miles NW of Pocatello

Butte County - Big Southern Butte, 37 miles NW of Blackfoot

Cassia County - Cassia Silent City of Rocks, 16 miles SW of Oakley

Elmore County - Crater Rings

Fremont County - Big Springs, 54 miles NE of Rexburg, St. Anthony Sand Dunes (proposed)

Gooding County - Niagra Springs, 20 miles W of Twin Falls, Box Canyon (proposed) Malad Canyon (proposed)

Jefferson and Madison Counties - Menan Buttes, 10 miles W of Rexburg

Shoshone County - Hobo Cedar Grove Botanical Area, 12 miles NE of Clarkia

Twin Falls County - Hagerman Fauna Sites, W and SW of Hagerman

13. **Resource - STATE AND NATIONAL PARKS, MONUMENTS, HISTORIC SITES, RECREATION AREA, RECREATION TRAILS AND WILDERNESS AREAS**

- a. Legal basis: Wilderness Act, National Park and Recreation Act, National Historic Sites Act, National Park System General Authorities Act, NEPA, National Trails System Act.
- b. Standards of Protection: The cultural, recreational, natural and aesthetic values of the subject resources shall be protected from significant adverse impacts including visual, noise, water, and air pollution impacts. Preparers shall consult with the appropriate agencies early in the assessment process.
- c. Contacts:

National Park Service, Pacific W. Region
909 First Ave.
Seattle, WA 98104
(800) 889-9204 Fax (206) 220-4159

P.O. Box 7669
Missoula, MT 59807
(406) 329-3584 Fax (406) 329-3139

U.S. Forest Service
324 25th Street
Ogden, UT 84401
(801) 625-5164 Fax (801) 625-5170

State Parks and Recreation Department
5657 Warm Springs Ave.
Boise, ID 83712
334-4199 Fax -3741

d. Designated Resource:

The official State Highway Map is an excellent first place to locate historic trails and roads. If the proposed site is near the mapped trail, further investigation is necessary. Also:

Ada County - Lucky Peak Recreation Area (State),
Oregon Trail

Adams County - Packer John's Cabin State Park

Bannock County - Indian Rocks State Park, Lava Hot Springs State Park,
Oregon Trail

Bear Lake County - Bear Lake Recreation Area (State) Oregon Trail

Benewah County - Heyburn State Park, Mary Minerva McCroskey State
Park

Bingham County - Oregon Trail

Blaine County - Sawtooth National Recreation Area (FS)

Boise County - Sawtooth Wilderness Area (FS)

Bonner County - Priest Lake State Park, Round Lake
State Park

Butte County - Craters of the Moon National Monument
(NPS)

Caribou County - Oregon Trail

Cassia County - Oregon Trail

Canyon County - Oregon Trail

Clearwater County - Lewis and Clark Trail

Custer County - River of No Return Wilderness Area, Sawtooth National Recreation Area (FS)

Elmore County - Three Mile Crossing State Park, Sawtooth Wilderness Area (FS), Oregon Trail

Fremont County - Henry's Lake State Park, Yellowstone National Park

Gooding County - Malad Gorge State Park

Idaho County - Selway-Bitterroot Wilderness Area (FS), River of No Return Wilderness Area (FS), Gospel Hump Wilderness Area (FS), Hells Canyon Wilderness Area (FS), Lewis and Clark Trail, Nez Perce Trail (FS)

Kootenai County - Farragut State Park

Lemhi County - River of No Return Wilderness Area (FS)

Lewis County - Winchester State Park

Nez Perce County - Nez Perce National Historical Park, Craig Mountain Wildlife Management Area, Lewis and Clark Trail

Owyhee County - Bruneau Dunes State Park

Power County - Massacre Rocks State Park, Oregon Trail

Twin Falls County - Oregon Trail

Valley County - River of No Return Wilderness Area, Ponderosa State Park

Washington County - Mann Creek Recreation Area (State)

- a. Legal basis: Idaho Code 39-105, Clean Water Act, Safe Drinking Water Act, Idaho Stream Protection Act, Idaho Navigable Lakes Protection Act, IC 36 (Private Ponds and Game Farms).
- b. Standards of Protection: The State has responsibility to safeguard the quality of waters and enforces the "Idaho Water Quality Standards" relating to the discharge of effluents. They have designated various levels of use for protection for many streams. Existing beneficial uses of the waters of the State shall be protected. A Waste Discharge Permit is required for point discharges to streams. Implementation of the Total Maximum Daily Load (TMDL) program of EPA has slowed due to concerns about the regulations behind it. EPA desires that the states continue to determine the pollutants that are compromising the use of the streams and stream segments—pollutants like phosphorous, suspended solids, temperature, etc. Sometime in the future, some dischargers may have to take additional treatment actions, limit their discharges, or buy TMDL shares from others.
- c. Stormwater II: EPA has broadened its regulation to control runoff from construction sites. Stormwater II has the potential to help protect endangered aquatic species as well as increasing the number of beneficial uses of streams segments by reducing the discharge of silt, clay and construction waste materials from construction sites.

Any project that will have a total of more than one acre of disturbed earth is subject to Stormwater II, even if the exposure is phased with less than one acre exposed at any one time. A plan to control runoff is required. The plan may include items such as silt fences, straw bale dams, waddles around storm drains, covers for stockpiles of earth, construction of retention ponds and ditches leading to them, paving dirt driveways to sites with rocks at hard surfaced streets to clean mud from tires, and reseeding perhaps with stabilization mats or mulch. The Owner and the contractor(s) must submit notices to EPA before construction begins and when demobilization is complete, including stabilization of exposed earth. The owner must post a public notice at the construction site.

Single family housing exception: A homeowner in a developing subdivision is not subject to Stormwater II, rather s/he is to receive a home on a lot that will not cause siltation. The builder, even if s/he builds on a few lots that total less than one acre, as well as the subdivider, is subject to Stormwater II if the subdivision will have exposed earth totaling more than one acre.

In some urban/suburban areas, the owners of the streets and highways (Municipal separate Storm Sewer Systems [MS4's]); which may be a city, county or highway district; have had to develop rules or

ordinances to control siltation. These ordinances supercede Stormwater II. The property owners and contractors must comply with the ordinances. Areas such as the greater Boise area extending in a narrow corridor along I- 84 into the greater Nampa/Caldwell area and the greater Coeur d'Alene/Post Falls area are examples. Sometimes properties adjacent to ditches that flow into such MS4's are covered by the ordinances.

Dry Season/Low Erosivity Soils exception: Some sites, if the construction is sure to only occur during the dry season, may be exempt from Stormwater II but not I (over 5 Ac. of disturbance). No place in northern Idaho qualifies.

Some area/time frame combinations in southern Idaho would qualify. An applicant's consultant can go into tables published by EPA and NRCS to see if the site might qualify.

- d. Contacts: For any proposal that a Preparer believes may cause a significant adverse impact on the water quality of a stream, the applicant should contact the DEQ regional office having jurisdiction to determine what if any measures are required by state regulation. Appendix 8 contains a list of stream segments that do not support their beneficial uses or exceed water quality standards.

Stormwater II contacts:

Jeanne O'Dell or Misha Vakoc
US EPA
1200 Sixth Ave.
Seattle, WA 98101

(206) 553-6919 or -6650
odell.jeanne@epa.gov valoc.misha@epa.gov

Idaho Dept. of Health & Welfare, Division of Environmental Quality,
Regional Offices:

N. Idaho Regional Office
2110 Ironwood Parkway
Coeur d'Alene, ID 83814
667-3524

N. Central Idaho Regional Office
1118 F Street
P.O. Drawer B
Lewiston, ID 83501
799-3430

SW Idaho Regional Office
1410 N. Hilton
Boise, ID 83706
334-0550

S. Central Idaho Regional Office
963 Blue Lakes Blvd., Suite 3
P.O. Box 1626
Twin Falls, ID 83301
734-9520

E. Idaho Regional Office
224 S. Arthur Ave.
Pocatello, ID 83201
236-6160

Also contact the Idaho Department of Fish and Game, Regional Office (see Appendix 1). The Idaho Department of Water Resources may have to be contacted regarding the Idaho Stream Protection Act:

Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706
327-7900 Fax 327-7866

15. Resource – **QUIETNESS**
(NOISE POLLUTION)

- a. Legal basis: National Environmental Protection Act and Noise Control Act of 1972 (42 USC 4901 et. seq.)
- b. Standards of Protection: The potential noise created by a project and the ambient noise impacts on a project must be considered. Alternative proposals, protection or mitigation measures may be necessary. Day - night average sound levels (DNL) for a site should not exceed 65 dB to be acceptable. 65 to 75 dB will normally be unacceptable. Noise attenuation to bring the site noise down is preferred. If this is impracticable, structural attenuation shall be provided to have 45 dB maximum inside habitable buildings.
- c. References:

24 CFR 51 (Federal Register; July 12, 1979)
HUD "Noise Assessment Guidelines"

- d. Contact: Retaining a consultant with a sound-level meter capable of measuring decibels on the A & B scale may be necessary to judge difficult proposals.

16. **OTHER ENVIRONMENTAL RESOURCES**

It is impossible to list all the resources in the state that must be protected under the National Environmental Policy Act. Preparers shall identify all significant potential environmental impacts in consultation with applicants, other agencies, and interested organizations and citizens. The goal is to make better loans not just more paperwork.

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Appendix 1

Idaho Dept. of Fish & Game Regional Offices

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IDAHO FISH AND GAME

Office / Region Locations

Administratively, the Idaho Department of Fish and Game is divided into regions with offices in Coeur d'Alene, Lewiston, Nampa, Jerome, Pocatello, Idaho Falls and Salmon. In addition, a subregional office in McCall operates in conjunction with the Nampa office. All offices are open Monday through Friday, except state holidays, 8 a.m. to 5 p.m. Offices in the Panhandle and Clearwater regions are in the Pacific Time zone; all others are in the Mountain Time zone.

The headquarters office, located in Boise, is organized into bureaus representing Department functions: Administration, Fisheries, Wildlife, Law Enforcement, Communications, Natural Resources, Information Technology and Engineering. Each bureau is responsible for direction and consistency for programs implemented by regional staff.



Headquarters Office 600 S. Walnut / PO Box 25, Boise, ID 83707 - Phone: (208) 334-3700 Fax: (208) 334-2114 or (208) 334-2148		
<u>Panhandle Region</u> 2750 Kathleen Ave. Coeur d'Alene, ID 83814 Phone: (208) 769-1414 Fax: (208) 769-1418	<u>Clearwater Region</u> 1540 Warner Ave. Lewiston, ID 83501 Phone: (208) 799-5010 Fax: (208) 799-5012	<u>Southwest Region</u> 3101 S. Powerline Rd. Nampa, ID 83686 Phone: (208) 465-8465 Fax: (208) 465-8467
<u>McCall Subregion</u> 555 Deinhard Lane McCall, ID 83638 Phone: (208) 634-8137 Fax: (208) 634-4320	<u>Magic Valley Region</u> 868 E. Main St. / PO Box 428 Jerome, ID 83338 Phone: (208) 324-4359 Fax: (208) 324-1160	<u>Southeast Region</u> 1345 Barton Road Pocatello, ID 83204 Phone: (208) 232-4703 Fax: (208) 233-6430
<u>Upper Snake Region</u> 4279 Commerce Circle Idaho Falls, ID 83401 Phone: (208) 525-7290 Fax: (208) 523-7604		<u>Salmon Region</u> 99 Hwy. 93 N. / PO Box 1336 Salmon, ID 83467 Phone: (208) 756-2271 Fax: (208) 756-6274

Panhandle Region

2750 Kathleen Avenue, Coeur d'Alene, ID 83814

Phone: (208) 769-1414, Fax: (208) 769-1418

The northernmost area of the state consists of Boundary, Bonner, Kootenai and portions of Benewah, Latah, Clearwater and Shoshone counties. Big game hunt units include 1, 2, 3, 4, 4a, 5, 6, 7 and 9. The regional office is located in Coeur d'Alene.

Hunters, anglers and outdoor enthusiasts will find dense forests and the greatest concentration of lakes in the western states. Excellent big game hunting includes both white tail and mule deer seasons. The St. Joe, the worlds highest navigable river, provides premier cutthroat trout fishing.

Elevations in the Panhandle range from 2,100 at Priest River to 8,643 at Needle Peak. Idaho record fish including rainbow trout, bull trout, chinook, kokanee, northern pike and tiger muskie were all taken from Panhandle waters.



Clearwater Region

1540 Warner Avenue, Lewiston, ID 83501

Phone: (208) 799-5010, Fax: (208) 799-5012

The second most northern area in the state consists of Latah, Clearwater, Nez Perce, Lewis, most of Idaho, and part of Benewah and Shoshone counties. Big game hunt units include 8, 8a, 10, 10a, 11, 11a, 12, 13, 14, 15, 16, 16a, 17, 18, 19 and 20. The regional office is located in Lewiston.

Home to Hells Canyon National Recreation Area, the Clearwater Region boasts high and fast adventure for all interests. Trophy elk hunting in some of America's largest wilderness and primitive areas, accessible only by foot or horseback continues to challenge even the most experienced hunters. The area's world famous steelhead fishing offers endless hours of pleasure.

Elevations in the Clearwater range from 753 at Lewiston to 9,393 at He Devil. Idaho record game honors include the number one Idaho Rocky Mountain bighorn sheep taken in Nez Perce county.



Southwest Region

3101 S. Powerline Road, Nampa, ID 83686

Phone: (208) 465-8465, Fax: (208) 465-8467

McCall Subregion

555 Deinhard Lane, McCall, ID 83638

Phone: (208) 634-8137, Fax: (208) 634-4320

The southwestern corner of the state consists of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, and part of Valley, Owyhee, Elmore and Idaho counties. Big game hunt units include 19a, 20a, 22, 23, 24, 25, 26, 31, 32, 32a, 33, 34, 35, 38, 39, 40, 41 and 42. The regional office is located in Nampa and Fish and Game Headquarters is located in Boise.

Diverse in terrain, the Southwest Region offers a wide range of outdoor sports and activities. From high

mountain streams and lakes to lowland desert reservoirs, this areas rainbow trout fishing is unsurpassed. Mule deer hunting in the beautiful Owyhee Mountains remains as one of the Idaho hunter's favorite pastimes. Waterfowl hunting continues to grow in popularity and with record harvests.

Elevations in the southwest range from 1,688 at Hells Canyon dam to 10,582 at Elk Peak. The Idaho record game number four California bighorn sheep and number two Rocky Mountain elk, both taken in Owyhee county, can be seen on display at Fish and Game Headquarters.



Magic Valley Region

868 East Main Street, P.O. Box 428, Jerome, ID 83338

Phone: (208) 324-4350, Fax: (208) 324-1160

The southernmost central portion of the state consists of Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls, Cassia, and part of Elmore, Owyhee, Power and Oneida counties. Big game hunt units include 43, 44, 45, 46, 47, 48, 49, 52, 52a, 53, 54, 55, 56 and 57. The regional office is located in Jerome.

Home to such natural marvels as the mighty Snake River, Thousand Springs and Shoshone Falls, this area brings the vast desert to life with ample hunting, angling and outdoor opportunities. Hunters can take on a new challenge with antelope hunting. Anglers will find a wide variety of game fish in the miles of the beautiful Snake River. The Hagerman Valley also provides some of the states best waterfowl habitat and viewing.

Elevations in the Magic Valley range from 2,797 at the Snake River to 10,339 at Cache Peak. Idaho record game harvest includes the number one antelope taken in Blaine county.



Southeast Region

1345 Barton Road, Pocatello, ID 83204

Phone: (208) 232-4703, Fax: (208) 233-6430

The far southeast corner of the state consists of Bingham, Power, Caribou, Bear Lake, Franklin, Bannock, Oneida and part of Bonneville counties. Big game hunt units include 66a, 68, 68a, 70, 71, 72, 73, 73a, 74, 75, 76, 77 and 78. The regional office is located in Pocatello.

With Utah and Wyoming on borders, this region has abundant wildlife and scenery. Anglers may choose to partake in the tradition of ice fishing at Bear Lake for the Bonneville cisco, a species found nowhere else on earth. Strong mule deer populations may draw the curious hunter, but the sharptail grouse hunting will keep them coming back.

Elevations in the southeast range from 4,354 at American Falls Reservoir to 9,957 at Meade Peak. Idaho record fish harvested in this region include the number one cutthroat trout, Idaho's state fish, taken at Bear Lake.



Upper Snake Region

4279 Commerce Circle, Idaho Falls, ID 83401

Phone: (208) 525-7290, Fax: (208) 523-7604

The eastern part of the state consists of Butte, Jefferson, Madison, Teton, Fremont, Clark, Bonneville and part of Lemhi, Custer, and Bingham counties. Big game hunt units include 50, 51, 58, 59, 59a, 60, 60a, 61, 62, 62a, 63, 63a, 64, 65, 66, 67 and 69. The regional office is located in Idaho Falls.

Adventures abound, the gateway to the continental divide brings the best of what nature intended. Known to anglers everywhere for the best fly-fishing in the world, enjoy locations from the Henrys Fork of the Snake River to Henrys Lake for Idaho's famous cutthroat trout. Idaho's "once in a lifetime" game species such as the moose can be found roaming throughout the valleys below the awe inspiring Grand Teton Mountains.

Elevations in the Upper Snake range from 4,735 at Idaho Falls to 10,740 at Tyler Peak. Idaho record game includes the number four moose harvested in Fremont county.



Salmon Region

99 Hwy. 93 North, P. O. Box 1336, Salmon, ID 83467

Phone: (208) 756-2271, Fax: (208) 756-6274

Directly north of the Magic Valley, the Salmon Region consists of Lemhi and Custer and portions of Blaine, and Valley counties. Big game hunt units include 21, 21a, 27, 28, 29, 30, 30a, 36, 36a, 36b, 37 and 37a. The regional office is located in Salmon.

Home to the "River of No Return," the Salmon river is one of the few undammed waterways left in America. The river and its forks serve as the only pathways into the River of No Return Wilderness Area, the largest single wilderness in the lower 48. Hunters will find trophy elk, mule deer and antelope hunting and anglers can enjoy high mountain lake trout fishing.

Elevations in the Salmon Region reach up to 12,662 at Borah Peak, the highest peak in Idaho. Idaho record game harvest includes the number one Rocky Mountain goat taken in the Salmon Region.



Appendix 2

MOU for Sole Source Aquifers

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MEMORANDUM of UNDERSTANDING
Between the
U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 10
and
U.S. DEPARTMENT OF AGRICULTURE - RURAL DEVELOPMENT
- IDAHO STATE OFFICE

Sole Source Aquifers
State of Idaho

INTRODUCTION:

The purpose of this memorandum is to continue the understanding between the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Agriculture - Rural Development (RD) Idaho State Office in order to protect EPA- designated Sole Source Aquifers (SSAs) in the State of Idaho. This Memorandum of Understanding (MOU) is the third MOU that has been signed between these two agencies. The last MOU was signed in 1989.

This revised MOU was developed by EPA and RD in recognition of the need to streamline the process of identifying, reviewing, modifying, and approving proposed projects that request federal financial assistance and are to be located over SSAs. While the SSA Protection Program is only one tool for use by the State, local communities, and the private sector for protecting and managing ground water resources, the purpose of this MOU is to help ensure that: (1) development projects sponsored by the federal government will not have a significant adverse impact on human health and the environment; (2) public health and ground water concerns are communicated to federal and state agencies and other organizations that propose projects for federal financial assistance; and (3) development projects sponsored by the federal government serve as models for the private sector.

This partnership approach will capitalize on the continuing efforts by local and state economic planning and development agencies and/or other organizations subject to the National Environmental Policy Act (NEPA).

GOALS:

The goals of this MOU are: (1) to ensure that each project receiving federal financial assistance is designed to prevent the addition of contaminants into the SSA at quantities that may create a significant hazard to public health, interfere with the public welfare, or otherwise contaminate the aquifer to a level which would require additional treatment by a public water system in order to meet the National Primary Drinking Water Regulations; and (2) to formalize the process EPA and RD will use to coordinate the review of projects requesting federal financial assistance.

OBJECTIVES:

1. Develop an agreement for implementing the Sole Source Aquifer Protection Program under Section 1424(e) of the Safe Drinking Water Act.
2. Protect all EPA-designated SSAs in the State of Idaho by establishing project specific performance measures that are agreed upon by both EPA and RD.
3. Establish a new working agreement between the two agencies which will streamline the process for identifying, reviewing, modifying, and approving federal financially assisted projects.
4. Encourage increased communication, cooperation, and coordination of ground water protection issues in SSAs in Idaho through community ground water protection programs, local health departments/districts, and state and federal governmental agencies .

3. AUTHORITIES:

EPA: The Sole Source Aquifer Protection Program is authorized under Section 1424(e) of the federal Safe Drinking Water Act. This provision allows EPA to designate an aquifer a "sole or principal" source of drinking water in an area where the aquifer supplies 50% or more of the drinking water, and where contamination of the aquifer could create a significant hazard to public health. A Sole Source Aquifer designation can be initiated by a petition submitted to EPA from any interested party, such as a public water purveyor, local health department, or environmental group. Following a designation, projects proposed over the aquifer that request federal financial assistance are subject to EPA review. EPA can negotiate modifications to improve a project or even deny funds to a project which poses a significant risk to public health by contamination of the SSA.

RD: RD provides federal funding for essential public facilities and services such as water and sewer systems, housing, health clinics, and emergency service facilities. RD promotes economic development by supporting loans to businesses through banks and other financial lenders. RD also offers technical assistance and information to help agricultural and other cooperatives get started and improve the effectiveness of their member services. Finally, RD provides technical assistance to help communities undertake community programs.

SSA REVIEW ASSUMPTIONS:

The process for EPA's review of federal projects is based on the following assumptions:

1. EPA, RD, and other local and/or state economic development and planning agencies and/or other organizations will work together cooperatively to implement the SSA Protection Program;
2. Projects located over EPA-designated SSAs and the Stream Flow

Source Areas of the designated aquifers will be reviewed by RD, or in specific cases mentioned below, by EPA, for impacts to ground water quality;

3. RD will review projects to ensure that they meet the performance measures. If RD determines that a project meets the performance measures, the funding process may proceed without EPA's review or approval. However, EPA will continue to review all projects on Indian Lands;
4. If the project cannot meet the agreed upon performance measures and/or if RD cannot make a determination about the project's specific impact to ground water quality, then RD may consult with and/or refer the project to EPA for review and approval. RD may (1) request technical and informational assistance and/or (2) request EPA to conduct an independent review of the proposed project for impacts to ground water quality. EPA will provide RD with a determination of risk within thirty (30) days of receiving the request for assistance.
5. EPA will be responsible for oversight and evaluation of the SSA project review process, serve as the point of contact for other federal, state, and local agencies, continue to be the focal point for citizen input, and will review individual projects at the Agency's discretion;
6. Any project that has been categorically excluded from environmental review, under the National Environmental Policy Act (NEPA) or by a policy of a Federal agency, will remain excluded from EPA SSA review, unless a project is deemed to pose a potential hazard to public health. In such a case, EPA will provide RD with written documentation demonstrating such a potential hazard and an explanation of why the project should be subject to an SSA review. For example, as a matter of policy, EPA does not review federally funded projects that involve the purchase of single family homes, but may request RD to review the development of a proposed subdivision which will be comprised of a number of individual single family

housing units that collectively could pose a threat to ground water quality;

7. For all projects that are not referred to EPA, RD will provide EPA with an annual report on the number and type of projects that were approved; and
8. If RD receives a citizen petition (with substantiating data) regarding the review at any time during the review process or any time before RD has approved the project, RD should immediately notify EPA that an independent review may necessary. EPA will then review the information submitted and provide RD with a risk determination within thirty (30) days of receiving such petition.

5. SSA REVIEW PROCESS:

EPA and RD will approve all projects requesting federal financial assistance which meet the following performance measures:

1. Storm Water

Any project that may generate, increase, collect, or dispose of storm and surface water run off from impervious surfaces, e.g., parking lots and roof tops, must use the State of Idaho Catalog of Storm Water Best Management Practices in the design of all storm water treatment and disposal systems. In addition, the use of shallow injection wells, e.g., dry wells, french drains, or a drainfield system, must be avoided if at all possible. In cases where no other treatment and disposal system is possible, the project designer must: (1) notify and register the shallow injection well(s) with the Idaho Department of Water Resources (IDWR) Underground Injection Control (UIC) Program; (2) ensure that the shallow injection well will not dispose of any fluids that fail to meet the State of Idaho Ground Water Quality Standards; and (3) pay any applicable registration fees to the State of Idaho.

2. Sanitary Waste

Whenever feasible, sanitary waste must be sent to a Publicly Owned Treatment Works (POTW). In cases where connections to the POTW cannot be made, onsite sewage disposal systems (OSS) can be utilized: (1) if the appropriate Idaho Health District is notified and a permit is issued; and (2) the project proponent registers the OSS with IDWR as well as the Health District and pays any applicable State registration fees.

In addition, facilities that do not have connections to a POTW will not be allowed to connect garage bay and other floor/shop drains to an OSS. The use of Best Management Practices allows for an alternative to garage bay and other drains, for example, using a sloped garage bay and holding tanks.

3. Potable Water

Whenever feasible, connections to a community water supply must be made. In cases where connections to a community water system cannot be made, a private well may be used to supply potable water if: (1) the appropriate Idaho Health District is notified; (2) water is tested for contaminants, such as bacteria and nitrate, and the levels of detected contamination are within the levels set by the National Drinking Water Regulations; and (3) all applicable pollution prevention techniques are used to protect the private well from contamination.

4. Underground Storage Tanks

All underground storage tank (UST) systems must meet the federal UST performance standards as specified in Title 40 of the Code of Federal Regulations (CFR), Part 280, Subpart B. These performance standards cover proper tank and pipe design and construction, spill and

overfill equipment operating specifications, and proper installation procedures. In addition, all UST owners/operators must: (1) register with the IDEQ by completing the Notification for Underground Storage Tanks Form; (2) comply with Subpart D of the Federal UST Regulations, which require that leak detection procedures be performed once petroleum products or other regulated hazardous substances are added to the tanks, (3) obtain an approved financial responsibility mechanism, in accordance with Subpart H of the Federal UST regulations, prior to putting the UST system into service. This mechanism will ensure that clean-up funds will be made available if/when needed to mitigate ground and drinking water or soil contamination.

In the event that UST(s) require permanent closure, all UST owner/operators must: (1) submit a closure notification form to IDEQ at least thirty (30) days prior to beginning tank closure; (2) check with the local fire department thirty (30) days prior to tank closure regarding a closure permit for any tank out of service for more than one year; (3) follow closure procedures as outlined in EPA regulations (40 CFR 280.71); (4) determine whether the tank and/or the tank sludge is hazardous waste and consider proper disposal options; (5) perform a site assessment; (6) immediately notify the local fire department and IDEQ within twenty-four (24) hours of discovery of soil or ground water contamination; (7) maintain records that are capable of demonstrating compliance with the site assessment requirements under the federal UST regulations, and (8) give careful consideration to the reuse of USTs that have been used to store petroleum or hazardous chemicals. For more information regarding State specific UST or leaking underground storage tank (LUST) closure requirements, the Regional IDEQ office should be contacted.

5. Community Water System Improvement

Communities requesting federal financial assistance for new or improved water systems must participate in the State of Idaho Source Water Assessment and Protection Program. Since all community water systems will be receiving a complete Source Water Assessment by IDEQ, the community water system must incorporate the use of relevant non-regulatory and/or regulatory approaches to protect its drinking water supply in order to receive federal funds for water system improvement projects.

DEFINITIONS:

Aquifer: Geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or a spring. Aquifer in this Memorandum refers to the Spokane Valley Rathdrum Prairie, Lewiston Basin, and Eastern Snake River Plain aquifers.

Commitment of federal financial assistance: A written agreement entered into by a department, agency, or instrumentality of the Federal Government to provide financial assistance as defined under "Federal financial assistance" below. Renewal of a commitment which the issuing agency determines has lapsed shall not constitute a new commitment unless the Regional Administrator determines that the project's impact on the aquifer has not been previously reviewed under Section 1424(e) of the Safe Drinking Water Act. The determination of a Federal agency that a certain written agreement constitutes a commitment shall be conclusive with respect to the existence of such a commitment.

Federal financial assistance: Any financial benefits provided directly as aid to a project by a department, agency, or instrumentality of the Federal government in any form, including contracts, grants, and loan guarantees. Actions or programs carried out by the Federal government itself (for example, dredging performed by the Army Corps of Engineers) do not

involve Federal financial assistance. Actions performed for the Federal government by contractors (for example, construction of roads on Federal lands by a contractor under the supervision of the Bureau of Land Management) should be distinguished from the contracts entered into specifically for the purpose of providing financial assistance, and will not be considered programs or actions receiving Federal financial assistance. Federal financial assistance is limited to benefits earmarked for a specific program or action and directly awarded to the program or action. Indirect assistance, e.g., in the form of a loan to a developer by a lending institution which in turn receives Federal assistance not specifically related to the project in question is not Federal financial assistance under Section 1424(e). When in doubt, EPA will consult with EPA Region 10, Office of Regional Counsel.

Impervious area: An impermeable surface, such as a parking lot or rooftop, that is covered with materials, such as concrete, asphalt, shingles, or tile, which prevent the infiltration of water into the soil.

Maximum Contaminant Level (MCL): The maximum permissible level of a contaminant in water which is delivered to any user of a public water system. MCLs are listed in the National Primary Drinking Water Regulations (40 CFR 141).

Significant hazard to public health: Any level of contamination which causes or may cause the aquifer to exceed any maximum contaminant level (MCL) set forth in the promulgated National Primary Drinking Water Regulations at any point where the water may be used for drinking purposes or which may otherwise adversely affect the health of persons, or which may require a public water system to install additional treatment to prevent such adverse effect.

Shallow Injection Well: Devices that are designed to emplace storm and surface water run off directly into the subsurface, also known as french drains, trench drains, dry wells, and sumps.

Sole Source Aquifer (SSA): An aquifer or aquifer system that supplies 50% or more of the drinking water for a given service area, with no reasonably available alternative sources should the aquifer become contaminated. Section 1424(e) of the Safe Drinking Water Act is the statutory authority for the SSA Protection Program.

Stream Flow Source Area: Recharge area of the designated Sole Source Aquifer.

Storm Water Best Management Practices (BMPs): Structural devices that temporarily store, treat, and dispose storm and surface water run off to remove pollutants, recharge ground water, and reduce flooding.

Underground Storage Tank (UST): Any one or combination of tanks (including underground pipes connected thereto) used to contain an accumulation of regulated substances, with a volume (including the volume of underground pipes connected thereto) of ten (10) percent or more beneath the surface of the ground. Farm or residential tanks with a volume of 1100 gallons or less used for storing motor fuel for noncommercial purposes and tanks used for storing heating oil for consumptive use on the premises are exempt from the Federal UST rules and regulations.

CONTACT DIRECTORY:

1. **Storm Water and/or Shallow Injection Wells:**
Idaho Department of Water Resources - Underground Injection Control (UIC) Program (Permitting and Registration)
2. **Onsite Sanitary Wastewater Treatment and Disposal:**
Idaho Health Districts (Permitting) or Idaho Division of Environmental Quality - State Office (Technical Assistance) or Idaho Department of Water Resources - UIC Program (Technical Assistance)

3. **Private Wells:**
Idaho Division of Environmental Quality - Regional Offices (Technical Assistance) and/or Idaho Association of Soil Conservation Districts - Home*A*Syst Project (Technical Assistance)
4. **Public Wells:**
Idaho Division of Environmental Quality - State Office (Permitting)
5. **Underground Storage Tanks:**
EPA - Idaho Operations Office (Registration)
6. **Leaking Underground Storage Tanks:**
Idaho Division of Environmental Quality - Regional Offices
7. **State Source Water Assessment and Protection Program:**
Idaho Division of Environmental Quality - State Office (Approvals) or Idaho Rural Water Association (Technical Assistance)
8. **Ground Water Protection on Indian Lands:**
EPA - Seattle Regional Office - Sole Source Aquifer Protection Program (Approvals and/or Technical Assistance)

CONTACT TELEPHONE NUMBERS:

U.S. Environmental Protection Agency - Region 10

Seattle Regional Office: (206) 553-1200 or (800) 424-4372

Idaho Office: (206) 553-1200 or (800) 424-4372

Idaho Association of Conservation Districts

Home*A*Syst Project: (208) 338-4321

Idaho Department of Water Resources

State Office: (208) 327-7900

Idaho Division of Environmental Quality

State Office: (208) 373-0502
Coeur d'Alene Regional Office: (208) 769-1422
Lewiston Regional Office: (208) 799-4370
Boise Regional Office: (208) 373-0550
Twin Falls Regional Office: (208) 736-2190
Pocatello Regional Office: (208) 236-6160
Idaho Falls Regional Office: (208) 528-2650

Idaho Rural Water Association

State Office: (208) 743-6142

PRIMARY PROGRAM CONTACTS:

The following agency representatives will be responsible for maintaining communications as to procedures and activities of their respective agencies.
The liaison officers are:

EPA: Manager
Ground Water Protection Unit
U.S. Environmental Protection Agency
1200 Sixth Avenue, OW-137
Seattle, WA 98101
1-800-424-4372

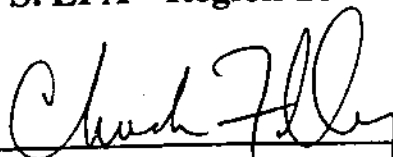
RD: State Environmental Coordinator
(Idaho) U.S. Department of Agriculture - Rural Development
9173 West Barnes, #A1
Boise, ID 83709-1555
(208) 378-5619

MOU AMENDMENT PROCEDURES:

This Memorandum of Understanding is subject to revision upon receiving a letter from a signatory agency to modify the conditions and/or terms understood by this MOU. Upon concurrence from the signatory agencies to modify the conditions and/or terms of this MOU, the subject letter will be recognized as an Addendum to this MOU.


SIGNATURES:

U. S. EPA - Region 10


for **Chuck Clarke**
Regional Administrator

9-1-99
Date

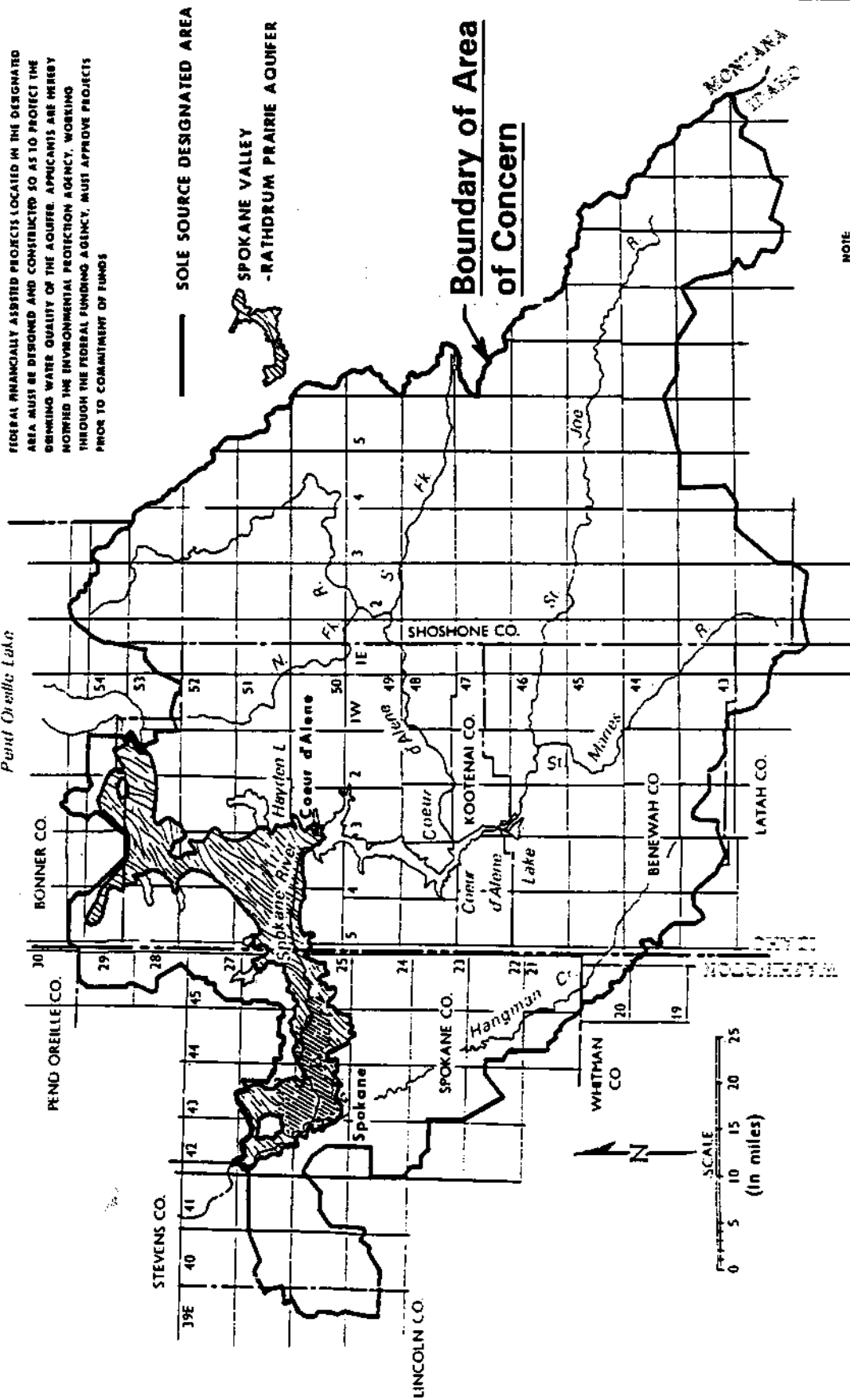
U.S.D.A - Rural Development - Idaho State Office

for 
Loren A. Nelson
State Director

8-27-99
Date

Version 7.0 - August 9, 1999

(1) COMMENTS (WITH SUPPORTING DOCUMENTATION) APPLICABLE TO PROJECTS IN THE DESIGNATED AREA ARE ENCOURAGED.



FEDERAL FINANCIALLY ASSISTED PROJECTS LOCATED IN THE DESIGNATED AREA MUST BE DESIGNED AND CONSTRUCTED SO AS TO PROTECT THE DRINKING WATER QUALITY OF THE AQUIFER. APPLICANTS ARE HEREBY NOTIFIED THE ENVIRONMENTAL PROTECTION AGENCY, WORKING THROUGH THE FEDERAL FUNDING AGENCY, MUST APPROVE PROJECTS PRIOR TO COMMITMENT OF FUNDS

SOLE SOURCE DESIGNATED AREA

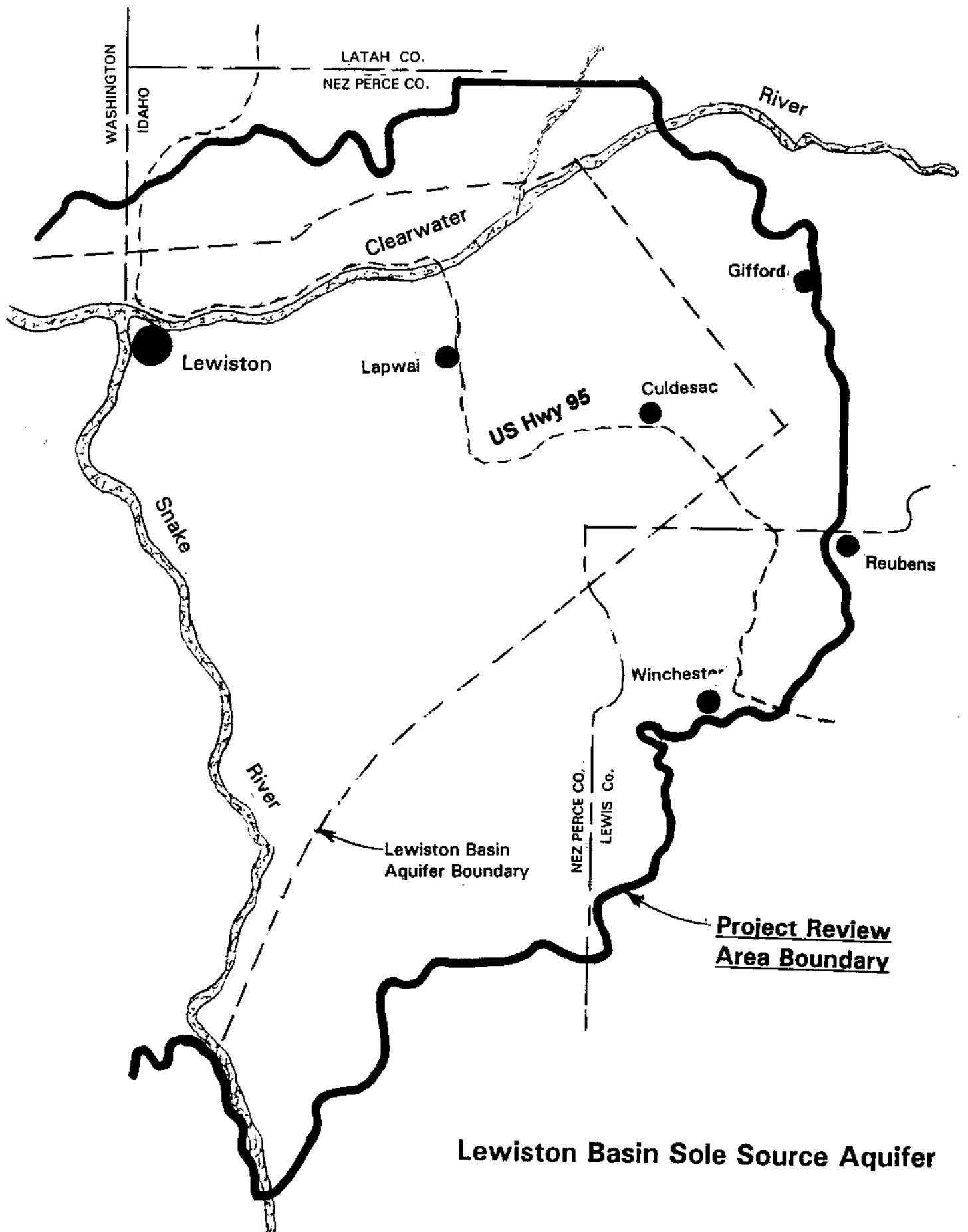
SPOKANE VALLEY
-RATHDRUM PRAIRIE AQUIFER

Boundary of Area
of Concern

NOTE
DESIGNATED UNDER THE AUTHORITY OF
SECTION 1424(j) OF THE SAFE DRINKING WATER ACT (PL 93-523)
FEDERAL REGISTER, VOL. 42, NO. 28-THURSDAY FEBRUARY 9, 1978

SOLE SOURCE AREA
FOR THE
SPOKANE VALLEY - RATHDRUM PRAIRIE AQUIFER

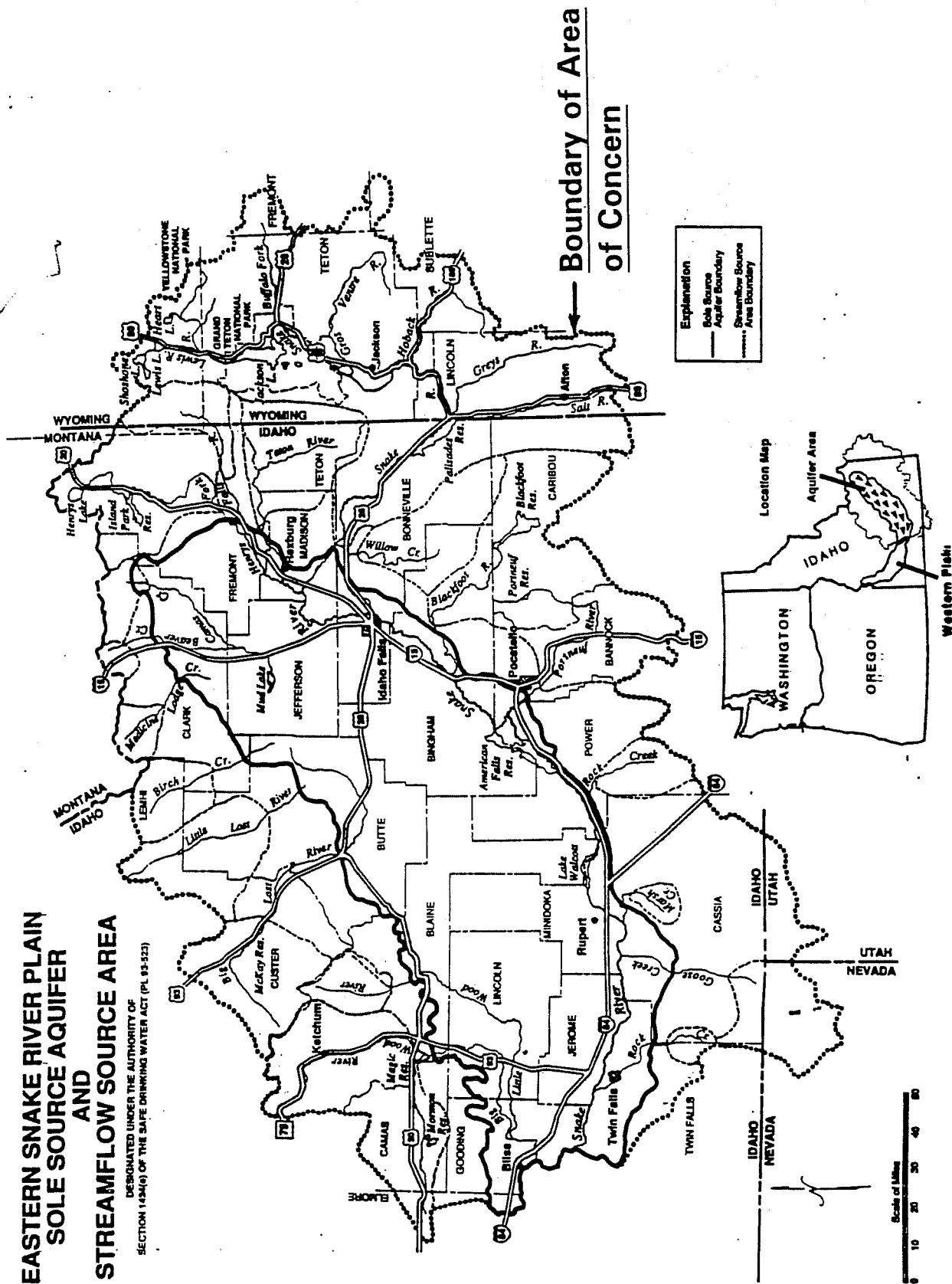




Lewiston Basin Sole Source Aquifer

EASTERN SNAKE RIVER PLAIN SOLE SOURCE AQUIFER AND STREAMFLOW SOURCE AREA

DESIGNATED UNDER THE AUTHORITY OF
SECTION 1424(a) OF THE SAFE DRINKING WATER ACT (PL 93-323)



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Appendix 3

List of Wild and Scenic Rivers

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**RIVER MILEAGE CLASSIFICATIONS FOR COMPONENTS OF THE
NATIONAL WILD AND SCENIC RIVER SYSTEM
(Idaho)**

River	Administering Agency	Miles by Classification			
		Wild	Scenic	Recreational	Total
Middle Fork, Clearwater (PL 90-542 - 10/2/68)	Forest Service	54		131	185
Middle Fork, Salmon (PL 90-542 - 10/2/68)	Forest Service	103		1	104
Salmon (PL 96-312 - 7/23/80)	Forest Service	79		46	125
Snake (ID & OR) (PL 94-199 - 12/31/75)	Forest Service	32.5	34.4		66.9
Rapid (PL 94-199 - 12/31/75)	Forest Service	26.8			26.8
Saint Joe (PL 95-625 - 11/10/78)	Forest Service	26.6		39.7	66.3

List of River Segments Under Study

RIVERS, TRAILS & CONSERVATION ASSISTANCE PROGRAM



Idaho Segments, A-M

National Park
Service
Rivers, Trails &
Conservation
Assistance
909 First Avenue
Seattle, WA 98104-
1060

[Click for segments](#)

[N-Z](#)



[Authorizations /
History / Eligibility
Descriptions /
Outstandingly
Remarkable Values /
Potential
Classification / Wild
and Scenic Rivers
System](#)

[Return to nri Page](#)

River	County	Reach	Length (miles)	Year Listed/ Updated	Potential Classification	ORVs	Description	Other States
Bargamin Creek	Idaho	Point where Road No. 468 crosses Bargamin Creek to headwaters (Sec. 3, T.28	6	1993	S	S, R, O	See initial comments	

Bargamin Creek	Idaho	N., R.12 E.)	15	1993	W	S, R, O	Wide range of vegetative types represented, from river breaks to alpine communities. Recreational opportunities for hiking, fishing, and hunting.	
Bear Creek Complex	Idaho	Confluence with Salmon River (SW 1/4 of Sec. 23, T.26 N., R.10 E.) to north boundary of Frank Church-River of No Return Wilderness along Forest Road No. 468 where it crosses Bargamin Creek near Poet Creek Campground	65	1993	W	S, G, F, O	Resident and anadromous fish habitat. Outstanding vegetation, lake s, and spectacular visual qualities.	
Bear Valley Creek	Lemhi	From the mouth in SW 1/4 of Section 27, T.17N., R.23E. to	5	1993	R	R, F, W	A significant anadromous fishery, good wildlife viewing, and significant semi-primitive	

		Deer Creek in NW 1/4 of Section 19, T.17N., R.23E.	5	1993	S	R, F, W	recreational opportunities including the Bear Valley National Recreational Trail.	
Bear Valley Creek	Lemhi	From Deer Creek in NW 1/4 of Section 19, T.17N., R.23E., to the origin in NE 1/4 of Section 17, T.17N., R.22E.					See initial comments.	
Big Creek	Valley	From its source downstream to the confluence with the Middle Fork, Salmon River	46	1982		R, F, H, C	Wilderness stream in Idaho Primitive Area. Mixed canyon and open areas accessible only by trail, landing strip, and the river. Popular area for hunting, fishing, kayaking and rafting. Historical and archeological significance; petroglyphs along river near confluence with the Middle Fork of the Salmon. Jointly designated by US fish and	

									Wildlife Service, EPA and Idaho Fish and Game as a "highest-valued fishery resource".		
Big Creek	Valley	Headwaters to Forest Development Road 340	2	1982/ 1993	S	S, G, F	Important anadromous fishery which is tributary to Middle Fork of Salmon River. In large glacial basin surrounded by highly scenic ridges and mountain peaks.				
Big Creek	Valley	Forest Development Road 340 to boundary of Frank Church--River of No Return Wilderness at Smith Creek	10	1982/ 1993	R	S, G, F	See initial comments				
Big Creek	Valley	Wilderness boundary to confluence with Middle Fork of Salmon River	34	1982/ 1993	W	S, G, F	See initial comments				
Blackfoot	Caribou	From its	32	1982		S, F	Relatively low				

River		source downstream to slack water at Blackfoot River Reservoir					flow, tightly meandering river flowing in sparsely vegetated area. Broad scenic valley provides expansive vistas. Good fishing stream-jointly designated by US Fish and Wildlife Service, EPA, and Idaho Fish and Game as a "highest-valued fishery resource".	
Blackfoot River	Caribou	Source to slack water of Blackfoot Reservoir	32	1982/ 1993	W, S, R	S, F	High-quality trout stream.	
Boise River & North Fork	Boise, Elmore	The North Fork from the boundary of the Sawtooth Wilderness Area downstream to the confluence with the Middle Fork; and then the mainstem downstream to slack water at	55	1982		S, F	Quite undeveloped, very scenic, high-country stream flowing through steep constricted valley containing only a few flat areas. Headwaters located in Sawtooth Wilderness Area. Jointly designated by US Fish and Wildlife Service, EPA, and Idaho	

		Arrowrock Reservoir							Fish and Game as a "highest-values fishery resource".	
Boise River, South Fork	Elmore	Trail Creek to Neil Bridge (Arrowrock Reservoir)	14	1982/ 1993	W	S, F			"Blue ribbon" fishery. Scenic canyon with vertical cliffs rising from streambanks. Challenging rapids for floaters.	
Boise River, South Fork	Elmore	Danskin Bridge to Trail Creek	6	1982/ 1993	R	F			Outstanding trout fishery.	
Boise River, South Fork	Elmore	From Anderson Ranch downstream to slack water at American Falls Reservoir	27	1982		R, G, F, W			Interesting two-level canyon cut in basalt formations. Wildlife habitat in valley bottom. River provides challenging boating and fishing opportunities. Jointly designated by US Fish and Wildlife Service, EPA, and Idaho Fish and Game as a "highest-valued fishery resource" .	
Boise River, South Fork	Elmore	Anderson Ranch Dam to Danskin Bridge	12	1982/ 1993	R	F			High quality and "blue ribbon" trout fishing.	

Camas Creek	Lemhi	From the mouth in SW 1/4 of Section 16, T.18N., R.15E. to Hammer Creek in NW 1/4 of Section 36, T.18N., R.16E.	10	1993	W	S, R, F, W	The entire drainage is recognized as a distinctive visual resource. The upper portions of the stream channel are characterized by a gentle canyon morphology. The lower one-third of the stream including Hammer Creek to the mouth follows a deep rugged canyon.	
Camas Creek	Lemhi	From Hammer Creek in NW 1/4 of Section 36, T.18N., R.16E. to the Forest boundary in SW 1/4 of Section 16, T.17N., R.17E.	6	1993	R	S, R, F, W	See initial comments.	
Cayuse Creek	Clearwater	Proposed Hoodoo Wilderness boundary in Sec. 28, T.10 N.,	28	1993		S, R, F, W	Unaltered forest landscape of highly scenic values. Westslope cutthroat trout, bull trout, and	

Clearwater River, Little North Fork	Clearwater, Shoshone	R.26 W. to mouth	33	1982				Kokanee Salmon fishing. Essential wolf habitat.	
		From its source downstream to slack water at Dworshak Reservoir					S, G, F, W	Youthful, swift wilderness stream with ample clear water. Exceptional scenic value and interesting geologic outcrops. Native cutthroat/mountain whitefish fishery; wintering area for big game and eagles. Almost a total lack of development in the lower reaches (including a lack of roads) makes for a remote and very pristine river resource. Jointly designated by US Fish and Wildlife Service, EPA, and Idaho Fish and Game as a "highest-valued fishery resource".	
Clearwater River, Little North Fork	Clearwater, Shoshone	Cedar Creek to Adair Creek	24	1982/ 1993	W		R, F, W, O	Steep canyon slopes with variety of vegetative communities common to Central Rocky	

								Mountain region. Summer and fall habitat for large herds of elk. Westslope Cutthroat trout and Dolly Varden Char fishing.	
							R	See initial comments	R, F, W, O
								Long, clear, high- flow, swift river, with little non-road development and high scenic quality, including some interesting rock outcrops. Sustains considerable recreation use and opportunities, both for fishing and boating. Jointly designated by US Fish and Wildlife Service, EPA, and Idaho Fish and Game as a "highest-valued fishery resource".	R, F
								Steep canyon slopes. Westslope cutthroat trout, bulltrout, and	S, R, F, W, O

									salmon fishing. Big game winter habitat for elk and deer. Rare plant communities.		
									Major anadromous fish rearing habitat. Migrant bald eagles. General water oriented recreation use. Geologic and scenic features such as Huddleston Bluff and famous Hanging Rock.		
									S, R, G, F, W		
									R		
									1993		
									60		
									Confluence with Clearwater River at Kooskia, Idaho to confluence of Red River and American River near Elk City, Idaho		
									Idaho		
									Clearwater River, South Fork		
									Mouth at junction of Coeur d' Alene River in NW 1/4 of Sec. 8, T.49 N., R.2 E. to beginning south of Honey Mountain in SW 1/4 of Sec. 32, T.53 N., R.1 W.		
									Kootenai, Shoshone		
									Coeur d' Alene River, North Fork		

Coeur d'Alene River, North Fork	Shoshone	From its source downstream to the confluence with the mainstem	35	1982		S, F, W	Swift, clear river flowing through heavily forested region; sustains considerable wildlife. Jointly designated by US Fish and Wildlife, EPA, and Idaho Fish and Game as a "highest-valued fishery resource".	
Deadwood River	Valley	From the source downstream to head of Deadwood Reservoir; and from Deadwood Dam to mouth.	42	1982		S, R, F	Outstanding scenic quality and diversity of landscape, with alternating deep pools and whitewater runs. Lengthy roadless reach from above mouth to reservoir. Excellent whitewater boating river. Upper reach is good example of meandering stream in upland meadow environment. Excellent resident trout fishery.	
Deadwood River	Boise, Valley	Deadwood Dam to Threemile	2	1982/ 1993	R	S, R	Spectacular canyon and challenging	

		Creek							kayaking opportunities.	
Deadwood River	Boise, Valley	Threemile Creek to Julie Creek	13	1982/1993	W	S, R			Rugged, steep, and inaccessible canyon. Narrow river channel and rapids offer challenging kayaking.	
Deadwood River	Boise, Valley	Julie Creek to South Fork Payette River	9	1982/1993	S	S, R			Rugged, narrow, steep canyon with rapids that offer challenging kayaking.	
Falls River	Fremont	From its source downstream to the confluence with Boone Creek	30	1982		S, R			Flows through a large variety of environments, including meadowland, forest, and canyon reaches. Numerous falls and rapids, including Cave Falls. Essentially undeveloped, wilderness area providing recreational opportunities, particularly for kayaking.	
Falls River	Fremont	Source to Forest boundary	12	1982/1993	S	S, R, W				

Fish Creek	Idaho	Mouth of Hungry Creek in SE 1/4 of Sec. 24, T.35 N., R.8 E., Boise Meridian to confluence with Lochsa River in NW 1/4 of Sec. 33, T.35 N., R.9 E., Boise Meridian	5	1993		R, F, W, O	Lewis & Clark National Historic Trail parallels for short distance. Important anadromous fishery. Key winter big game range for elk. Hunting, horseback riding, and hiking.	
French Creek	Idaho	Headwater of Little French Creek in Sec. 17, T.21 N., R.3 E. to Sec. 1, T.23 N., R.3 E. at Forest boundary	18	1993	W	S, G, F	Important anadromous fishery which is tributary to main Salmon River. Flows through scenic meadow - stringer timber landscapes. Several scenic cirque basins at head and flows through deeply dissected canyon.	
Gedney Creek, West Fork	Idaho	Selway-Bitterroot Wilderness boundary (SW 1/4 of Sec. 35, T.33 N., R.9 E.) to headwaters	4	1993	W	S, G, O	Spectacular visual qualities. Part of Selway River anadromous spawning habitat reaches. Outstanding vegetation and lakes.	

			(NW 1/4 of Sec. 33, T.33 N., R.10 E.)						
Hayden Creek	Lemhi	From the Forest boundary in NW 1/4 of Section 27, T.17N, R.23E. to Wade Creek in SW 1/4 of Section 21, T.16N., R23E.	6	1993	R	S, R			
Hayden Creek	Lemhi	From Wade Creek in SW 1/4 of Section 21, T.17N., R.23E. to the origin in Section 14, T.16N., R.22E.	5	1993	S	S, R			
Henrys Fork	Fremont	From Henrys Lake downstream to the confluence of the Warm River, except Island Park Reservoir	49	1982		R, G, F, W		Undeveloped river downcutting through thick basalt levees, creating interesting geologic features. Includes three major waterfalls in the lower canyon	

							portion; and also provides fine wildlife habitat as well as boating opportunities, primarily for canoeing. Jointly designated by US Fish and Wildlife Service, EPA, and Idaho Fish and Game as a "highest-valued fishery resource".	
Hungery Creek	Idaho	Headwaters near Forest Road 500 in SW 1/4 of Sec. 3, T.35 N., R.7 E., Boise Meridian to confluence with Fish Creek in SE 1/4 of Sec. 24, T.35 N., R.8 E., Boise Meridian	12	1993	W	R, F, W, O	Lewis & Clark National Historic Trail route parallels for 10 miles. Important anadromous fishery spawning and rearing stream. Key winter big game range for elk. Hunting and hiking.	
Johns Creek	Idaho	Confluence with South Fork Clearwater River (NW 1/4 of Sec. 30, T.29 N., R.5 E.) to	19	1993	W	S, R, F, W	Key habitat for steelhead, chinook salmon, and cutthroat trout. Viewing and hunting of elk. Deeply incised canyon provides	

		headwaters					outstanding vistas and ruggedness.	
Kelly Creek	Clearwater	From its source downstream to the confluence with the North Fork Clearwater River	31	1982		F, W	Wilderness stream flowing through a variety of terrain, including high country meadows and small canyons. Clear, swift water provides excellent fishing and high scenic qualities. Proposed wilderness area is fine wildlife habitat. Jointly designated by US Fish and Wildlife Service, EPA and Idaho Fish and Game as a "highest-values fishery resource".	
Kelly Creek	Clearwater	Source (NE 1/4 Sec. 19, T.39 N., R.13 E.) to Forest Service Road 581 bridge near mouth of Moose Creek in SW 1/4, Sec. 16, T.39 N.,	12	1982/ 1993	W	S, R, F	Known for its westslope cutthroat trout. Steep slopes with variety of vegetation, rocky outcrops, and sheer cliffs, as well as tumbling waterfalls and broad flat stream stretches.	

Kelly Creek	Clearwater	R.11 E.	12	1982/ 1993	R	S, R, F	See initial comments	
Lake Creek	Idaho	Confluence with Crooked Creek (SE 1/4 of Sec. 10, T.25 N., R.7 E.) to Gospel- Hump Wilderness boundary	10	1993	W	R, G, F, W, H, O	Numerous historic cabins and mine ruins from 1860 mining era. Orbicular granite found in Whistling Pig Canyon. Fishing and elk hunting. Rare willow found near Hump Lake at headwaters.	
Lake Creek	Idaho	Wilderness boundary to headwaters near Hump Lake	4	1993	R	R, G, F, W, H, O	See initial comments	
Long Canyon Creek	Boundary	Long Canyon Pass in NW 1/4 of Sec. 30, T.63 N., R.2 W. to Forest Boundary and junction	13	1993	W	W, O	Has not been roaded or otherwise disturbed by human activity. Habitat for threatened and endangered grizzly bear and	

		with road #417 in SE 1/4 of Sec. 25, T.63 N., R.2 W.						woodland caribou. Stands of overmature large trees.	
Marsh Creek	Custer	Mouth at Middle Fork Salmon River (NW 1/4 of Sec. 12, T.13 N., R.10 E.) to FC-RONRW boundary at Smith Creek	4	1993	W	S, R, F	Wild anadromous fishery. Spectacular scenery of Sawtooth Mountains. Challenging white water for kayaking during high spring run-off.		
Marsh Creek	Custer	FC-RONRW boundary at Smith Creek to Knapp Creek (NW 1/4 of Sec. 24, T.12 N., R.11 E.)	4	1993	R	S, R, F	See initial comments		
Meadow Creek	Idaho	Road crossing (NE 1/4 of Sec. 14, T.31 N., R.9 E.) to headwaters	34	1993	W	G, F, W, O	See initial comments		
Meadow Creek	Idaho	Confluence with Selway River (NE 1/4 of Sec. 11, T.31 N., R.9 E.) to	1	1993	R	R, G, F, W, O	Major undeveloped tributary of Selway River. Threatened and endangered species such as		

		road crossing										bald eagle. Highly productive and valuable anadromous and resident fish habitat. Wildlife viewing and hunting opportunities.			
Monumental Creek	Valley	From the Wilderness boundary to the confluence with Big Creek	16	1993				S, G, F				See initial comments.			
Monumental Creek	Valley	From the headwaters to the boundary of the Frank Church-River of No Return Wilderness	8	1993				S, G, F				Creek flows through high mountain meadows and stringer timber of high scenic quality. The spectacular glacial canyon of Monumental Creek continues on for the entire length of the stream.			
Moose Creek Complex	Idaho	Confluence of Selway River (SE 1/4 of Sec. 10, T.32 N., R.12 E.) to	75	1993			W	S, G, F, W, O				Outstanding lakes and vegetation. Unspoiled natural runs of steelhead and chinook salmon.			

	headwaters of streams in complex								
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Rivers, Trails & Conservation Assistance		Land & Water Conservation Fund		National Trails System	
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River	County	Reach	Length (miles)	Year Listed/ Updated	Potential Classification	ORVs	Description	Other States
Owyhee River, South Fork	Owyhee	From its source to a point approximately two miles downstream	61	1982		R, G, F	Major dry region, deep canyon stream with some	

Owyhee River, South Fork	Owyhee (Elko, NV)	from Wilson Creek Canyon	54	1982				entrenched meanders and many wild areas.		NV
Pack River	Bonner		14	1993	R	F		Noted for Dolly Varden trout.		
Pahsimeroi River, East Fork	Custer	Mouth at Pahsimeroi River, in NW 1/4 of Sec. 34, 35, T.10 N., R.23 E. to headwaters in NW 1/4 of Sec. 30, T.9 N., R.23 E.	4	1993	S	S, G		Spectacular views of highest peaks in Idaho. Unique example of glacial geology, with high rugged peaks, U-shaped valleys and alluvial deposits.		
Panther Creek	Lemhi	From the mouth in NW 1/4 of Section 19, T.23N., R.18E.	45	1993	R	S, R, W		The entire drainage is recognized as		

Payette River and South Fork	Boise	to the origin in SE 1/4 of Section 2, T.17N., R.18E.	54	1982			a distinctive visual resource. The upper portions of the stream are characterized by a gentle canyon morphology. The lower half of the stream follows a deep, rugged canyon.	
							Substantial quantities of recreational boating and fishing; scenic canyons interspersed with wider valley area. This very scenic river rises in the Sawtooth Wilderness Area, and flows past several geothermal (hot springs) sites. Jointly designated by US Fish and Wildlife Service, EPA,	
							S, R, G, F	

Payette River and South Fork	Boise	Confluence of Middle Fork Payette to confluence of North Fork Payette	8	1982/1993	R	S, R, F	Recreational boating and fishing, scenic canyons interspersed with wide valleys.	
Payette River, South Fork	Boise	Grandjean/Highway 21 Junction to Lowman	26	1982/1993	R	S, R, G	Scenic canyon with vistas of forested mountainsides. Floating, fishing, and camping. Several hot springs.	
Payette River, South Fork	Boise	Forest Boundary to confluence with Middle Fork Payette	4	1982/1993	R	S, R	Flows through narrow canyon with series of rapids and pools. Extremely popular for rafting and kayaking.	
Payette River, South Fork	Boise	Lowman to Little Gallagher Creek	13	1982/1993	R	S, R, G	Spectacular canyon, challenging rapids for rafting,	

Payette River, South Fork	Boise	Sawtooth National Recreation boundary to Grandjean Road and State Highway 21	9	1982/ 1993	S	S, R, G	Spectacular panoramic views of Sawtooth Mountains. Hot springs, fishing, and floating.	
Payette River, South Fork	Boise	Little Gallagher Creek to Forest Boundary	10	1982/ 1993	R	S, R, G	Rugged canyon with scenic cliffs. Challenging river floating experiences. Numerous hot springs.	
Payette, North Fork	Boise	From McCall, Idaho, downstream to slack water at Cascade Reservoir and from Cascade Dam downstream to confluence with mainstem	52	1982		S, R, F	Stellar example of continuous white water in a moderately sized canyon; river supplies expert kayaking opportunities as well as considerable scenic qualities, despite the presence of a major road and	

									railroad line. Upper portion meanders through wide flood plain. Jointly designated by US Fish and Wildlife Service, EPA, and Idaho Fish and Game as a "highest values fishery resource".			
Priest River	Boundary, Bonner	Canadian border to Upper Priest Lake	18	1993	W	S, R, F, W				Outstanding hot springs. Anadromous fisheries and elk viewing and hunting.	See initial comments	Long, major high flow river with a variety of topographic settings, providing fine views of interesting
Running Creek	Idaho	NW 1/4 of Sec. 28, T.30 N., R.13 E. to boundary of Selway-Bitterroot Wilderness	7	1993	W	G, F, W						
Running Creek	Idaho	Wilderness boundary to headwaters near Running Lake	8	1993	S	G, F, W						
Salmon River	Custer, Lemhi	From its source downstream to North Fork, Idaho, except that part through Salmon, Idaho	177	1982		R, G, F						

							geological features. Supports considerable recreational boating and fishing. Jointly designated by US Fish and Wildlife Service, EPA, and Idaho Fish and Game as a "highest-valued fishery resource".				
Salmon River	Custer, Lemhi	Source downstream to North Fork, Idaho, except part through Salmon, Idaho	62	1982/1993	R	F	Prime spawning and rearing habitat for spring and summer chinook salmon.				
Salmon River	Nez Perce, Lewis, Idaho	Confluence with Snake River to Long Tom Bar.	112	1993	S, R	S, R, G, F, W, H, O					
Salmon River, East Fork	Custer	Confluence of West Fork of East Fork of Salmon River and South Fork of East Fork of Salmon River to Forest Boundary	11	1982/1993	W, S, R	F	Outstanding salmon fishery. Upper portion in Sawtooth National Recreation Area which enhances recreational				

[illegible]

Salmon River, South Fork	Idaho, Valley	Smith Creek to confluence with main Salmon River	12	1982/1993	W	S, G, F	See initial comments	
Salmon River, South Fork	Idaho, Valley	Three Mile Creek to landing strip at Smith Creek	23	1982/1993	S	S, G, F	See initial comments	
Salmon River, South Fork	Idaho, Valley	Headwaters on Boise N.F. to confluence with Three Mile Creek on Payette N.F.	47	1982/1993	R	S, G, F	Important anadromous fishery which is tributary to main Salmon River. Flow through highly scenic meadow - stringer timber landscapes. Deeply dissected canyon within granitic Idaho Batholith.	
Salmon River, South Fork	Valley	From its source downstream to the confluence with the mainstem	46	1982		S, R, G, F, W	Outstanding scenic qualities and landscape diversity. Mostly wild and essentially undeveloped stream supports kayaking and fishing. Many interesting geological	

							features; popular pack trip area; important spawning ground for salmon. Jointly designated by US Fish and Wildlife Service, EPA, and Idaho Fish and Game as a "highest- valued fishery resource".		
Secesh River	Valley	Entire river.	38	1982		S, R, F	Outstanding whitewater boating river. Roadless middle reach has trail system with opportunities for hiking, camping and fishing in highly scenic canyon. High quality salmon, steelhead, and cutthroat trout fishery.		
Slate Creek	Idaho	Confluence with Salmon River (NW 1/4 of Sec. 36, T.27 N., R.1 E.) to	14	1993	R	G, F, H	Natural limestone cliffs along lower portion of Slate		

		Gospel-Hump Wilderness boundary (NW 1/4 of Sec. 31, T.27 N., R.4 E.)						Creek. Prehistoric sites. Excellent anadromous and resident fish habitat.	
Slate Creek	Idaho	Wilderness boundary to headwaters at Slate Lakes	5	1993		W	G, F, H	See initial comments	
Snake River	Bingham	From Blackfoot, Idaho, downstream to slack water at American Falls Reservoir	21	1982			G, F	Excellent example of major river flowing through a wide flood plain; displaying large meanders, numerous sloughs, channels and backwaters.	
Snake River	Gooding, Twin Falls	Lower Salmon Falls Dam downstream to the head of Bliss Reservoir	9	1982			R, G, W, H, O	Mid-section of 1,000+ mile river; highest volume in Northwest after Columbia River. Broad, deep fixed channel cut through flood basalts. Contains three USFWS	

<http://www.nps.gov/ncrc/programs/rtca/nri/states/id2.html>

Snake River,	Fremont	Buffalo River (NE 1/4 of Sec. 33, T.13	3	1982/	S	S, R, G, F,	See initial comments	
							opportunities; superior wildlife habitat and good scenic vistas, particularly in the Upper Snake Canyon. Mature flood plain with many sloughs and channels, especially near Henrys Fork confluence. Presence of levees in lower portion is relatively unobstructive. Sustains raft and canoe use on swift, notable bald and golden eagle nesting area. Jointly designated by US Fish and Wildlife Service, EPA and Idaho Fish and Game as a highest-valued fishery resource".	

Henry's Fork		N., R.43 E.)		1993		W		
Snake River, Henry's Fork	Fremont	Riverside Campground to Warm River (NW 1/4 of Sec. 13, T.9 N., R.43 E.)	18	1982/1993	W	S, R, G, F, W	See initial comments	
Snake River, Henry's Fork	Fremont	Box Canyon to Harriman State Park Boundary	2	1982/1993	R	S, R, G, F, W	See initial comments	
Snake River, Henry's Fork	Fremont	Flat Rock to McCrea Bridge (SE 1/4 of Sec. 8, T.13 N., R.43 E.)	6	1982/1993	S	S, R, G, F, W	See initial comments	
Snake River, Henry's Fork	Fremont	North Fork Summer Homes to Flat Rock	3	1982/1993	R	S, R, G, F, W	See initial comments	
Snake River, Henry's Fork	Fremont	Big Springs (NE 1/4 of Sec. 33, T.15 N., R.44 E.) to North Fork Summer Homes	3	1982/1993	S	S, R, G, F, W	Several major waterfalls. From tranquil slow moving water through scenic marshes and meadows to swift rapids in canyon. International reputation as one of best trout streams in US. Fishing,	

<http://www.nps.gov/nrc/programs/rtca/nri/states/id2.html>

Creek		Salmon River (NW 1/4 of Sec. 22, T.28 N., R.1 E.) to confluence of North and South Forks of White Bird Creek (SE 1/4 of Sec. 5, T.28 N., R.2 E)				C	basalt cliffs adjacent to creek. Excellent habitat for anadromous and resident fish. Abundant cultural resources associated with Nez Perce Indian Battleground.	
White Sand Creek	Idaho	White Sand mouth at Forest Road #111 (NE 1/4 Sec. 34, R.14 E., T.37 N.) to point where trail #47 intersects trail #50 (NW 1/4 Sec. 5, R.15 E., T.36 N.)	3	1993	R	S, R, F	Precipitous slopes carpeted with stands of fir, larch and pine. Potential to restore traditional runs of Chinook salmon to Clearwater system. Fishing, hunting, hiking, and horseback riding.	
White Sand Creek	Idaho	Trail #47 and 50 intersection to Selway-Bitterroot Wilderness boundary at mouth of Dan Creek (NE 1/4 Sec. 36, R.15	9	1993	W	S, R, F	See initial comments	

		E., T.36 N.)								
Yankee Fork	Custer	Jordan Creek to Eightmile Creek (SE 1/4 of Sec. 30, T.13 N., R.16 E.)	6	1993	R	R, G, F, H	See initial comments			
Yankee Fork	Custer	Mouth at Main Salmon River (NW 1/4 of Sec. 20, T.11 N., R.15 E.) to Pole Flat Campground (beginning of dredge tailings)	2	1993	R	R, G, F, H, C	Native American religious and ceremonial fishery. Challenging white water for kayaking during high spring run-off. Spawning and rearing habitat for anadromous steelhead and Chinook Salmon.			
Yankee Fork	Custer	Pole Flat Campground to Jordan Creek	6	1993	R	R, G, F, H	See initial comments			

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Appendix 4

Section 106, Historic Preservation Flow Chart and Summary

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Section 106 Regulations Flow Chart Explanatory Material

Initiate the Section 106 process (800.3)

- Establish undertaking (800.3(a))
- Identify appropriate SHPO/THPO (800.3 (c)-(d))
- Plan to involve the public (800.3(e))
- Identify other consulting parties (800.3(f))
- 800.3(g)

No undertaking/no potential to cause effects (800.3(a)(1))

Undertaking might affect historic properties Identify historic properties (800.4)

- Determine scope of efforts (800.4(a))
- Identify historic properties (800.4(b))
- Evaluate historic significance (800.4(c))

No historic properties affected (800.4(d)(1))

Historic properties are affected (800.4(d)(2)) Assess adverse effects (800.5)

- Apply criteria of adverse effect (800.5(a))

No historic properties are adversely affected (800.5(d)(1))

Historic properties are adversely affected (800.5(d)(2)) Resolve adverse effects (800.6)

- Continue consultation

Memorandum of Agreement (800.6(b))

Failure to resolve adverse effects (800.7) ACHP comment and agency response

Initiate the Section 106 process (800.3)

Federal agencies are encouraged to integrate the Section 106 process into agency planning at its earliest stages.

Establish undertaking (800.3(a))

The determination of whether or not an undertaking exists is the Agency Official's decision. However, ACHP may render advice on the existence of an undertaking. If there is an undertaking, but it does not present a type of activity that has the potential to have an effect on an historic property, then the agency is finished with its Section 106 obligations. If the action is subject to a program alternative, such as Programmatic Agreement or an alternate agency procedure, then the agency should follow that process.

800.3(b) This section emphasizes the benefit to an agency of coordinating compliance with related statutes to increase efficiency and avoid duplication of efforts. However, this coordination is not mandatory and is up to the Agency Official. Although agencies are encouraged to use the information gathered for these other processes to meet Section 106 needs, the information must meet the standards in these regulations.

Identify appropriate SHPO/THPO * (800.3 (c)-(d))

The Federal agency has the responsibility to properly identify the appropriate [State Historic Preservation Officer](#) (SHPO) and/or appropriate [Tribal Historic Preservation Officer](#) * (THPO) that must be consulted. If the undertaking is on or affects historic properties on tribal lands, then the agency must determine what tribe is involved. If the relevant tribe has assumed the SHPO's responsibilities for Section 106 under [Section 101\(d\)\(2\) of NHPA](#), thereby having a THPO*, the agency must consult with such THPO* **in lieu of** the SHPO. A list of THPOs is available from the [National Park Service](#). Certain owners of property on tribal lands can request SHPO involvement in addition to the THPO in a Section 106 case in accordance with NHPA. If the relevant tribe has not assumed SHPO responsibilities for Section 106 under Section 101(d)(2) of NHPA, the agency consults with such tribe **and** the SHPO.

Other related points include:

- A group of SHPOs may agree to designate a lead SHPO to act on their behalf for a specific undertaking.
- The manner of consultation may vary depending on the agency's planning process, the nature of the undertaking, and the nature of its effects.

- Failure of a SHPO/THPO* to respond within the time frames set by the regulation permit the agency to assume concurrence with the finding or to consult about the finding or determination with ACHP in the SHPO/THPO*'s absence. Subsequent involvement by the SHPO/THPO* is not precluded, but the SHPO/THPO* cannot reopen a finding or determination that it failed to respond to earlier.

For undertakings occurring, or affecting historic properties, on tribal lands, the Section 106 process may be completed even when the SHPO has decided not to participate in the process. A SHPO and a THPO* may develop tailored agreements for SHPO participation in reviewing undertakings on the tribe's lands.

Plan to involve the public (800.3(e))

The Agency Official must decide early how and when to involve the public in the Section 106 process. A formal "plan" is not required, although that might be appropriate depending upon the scale of the undertaking and the magnitude of its effects on historic properties.

Identify other consulting parties (800.3(f))

The Agency Official, at an early stage of the Section 106 process, is required to consult with the SHPO/THPO* to identify those organizations and individuals that will have the right to be consulting parties under the terms of the regulations. These may include local governments, Indian tribes, and Native Hawaiian organizations, and applicants for Federal assistance or permits. Others may request to be consulting parties, but that decision is ultimately up to the Agency Official.

800.3(g) An Agency Official can combine individual steps in the Section 106 process with the consent of the SHPO/THPO*. Doing so must protect the opportunity of the public and consulting parties to participate fully in the Section 106 process as envisioned in Section 800.2.

No undertaking/no potential to cause effects (800.3(a)(1))

If the Agency Official determines that there is no undertaking as defined in Section 800.16(y), or there is an undertaking but it is not the type of activity that has the potential to cause effects on historic properties,

there are no further obligations under Section 106 or ACHP's regulations. Agencies are strongly advised to keep appropriate records of such findings in case questions are raised by members of the public or other parties at a later date.

Undertaking might affect historic properties

Assuming that the Agency Official has determined that the undertaking is the type of activity that has the potential to cause effects on historic properties, the agency proceeds to identify properties that might be affected.

Identify historic properties (800.4)

The step known as "identification" includes preliminary work, actual efforts to identify properties, and an evaluation of identified properties to determine whether they are "historic;" i.e., they are listed on, or eligible for inclusion in, the National Register of Historic Places.

Determine scope of efforts (800.4(a))

At the beginning stages of the identification process, the Agency Official must consult with the SHPO/THPO* on the scope of its identification efforts and in fulfilling the steps in subsections (1) through (4). These steps include (1) determining and documenting the area of potential effects; (2) reviewing existing information about historic properties; (3) seeking information from parties likely to have knowledge of or concerns about the area; and (4) gathering information from Indian tribes and Native Hawaiian organizations about properties to which they attach religious and cultural significance, while remaining sensitive to any concerns they may have about the confidentiality of this information.

The SHPO/THPO* should be consulted at all steps in the scoping process. The determination of the area of potential effects is made unilaterally by the Agency Official, after such consultation. Where Federal agencies are engaged in an action that is on or may affect ancestral, aboriginal or ceded lands, Federal agencies must gather information from Indian tribes and Native Hawaiian organizations regarding properties that may be of traditional religious and cultural significance to them, and that may be eligible for the National Register, on such lands.

Identify historic properties (800.4(b))

This section sets out the steps an Agency Official must follow to identify historic properties. Reminders scattered throughout the section emphasize the need for consultation with various parties.

800.4(b)(1) The standard for identification is a "reasonable and good faith effort" to identify historic properties, depending on a variety of factors (including, but not limited to, previous identification work). Appropriate identification may include background research, consultation, oral history interviews, sample field investigation, and field survey.

800.4(b)(2) Phased identification may be done when alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, and the nature of the undertaking and its potential scope and effect have therefore not yet been completely defined. Final identification and evaluation may also be deferred if provided for in an agreement with the SHPO/THPO* or other circumstances. Under this approach, Agency Officials are required to follow up with full identification and evaluation once project alternatives have been refined or access has been gained to previously restricted areas. Any further deferral of final identification would complicate the process and jeopardize an adequate assessment of effects and resolution of adverse effects.

Evaluate historic significance (800.4(c))

This section sets out the process for determining the National Register eligibility of properties not previously evaluated for historic significance.

800.4(c)(1) Federal agencies are required to apply the National Register Criteria to properties identified in the area of potential effects, and to acknowledge the special expertise of Indian tribes and Native Hawaiian organizations when assessing the eligibility of a property to which they attach religious and cultural significance. Old determinations of eligibility may need to be re-evaluated due to the passage of time or other factors.

800.4(c)(2) The Agency Official makes determinations of eligibility in consultation with the SHPO/THPO*. If there is disagreement or ACHP or Secretary of Interior so requests, the Agency Official must refer the matter to the Keeper of the National Register. If an Indian tribe or Native Hawaiian organization disagrees with a determination of eligibility involving a property to which it attaches

religious and cultural significance, then the tribe can ask ACHP to request that the Agency Official obtain a determination of eligibility. The intention is to provide a way to ensure appropriate determinations regarding properties located off tribal lands to which tribes attach religious and cultural significance.

No historic properties affected (800.4(d)(1))

If no historic properties are found or no effects on historic properties are found, the Agency Official provides appropriate documentation to the SHPO/THPO* and notifies consulting parties. Members of the public need not receive direct notification, but the Federal agency must place its documentation in a public file prior to approving the undertaking, and provide access to the information when requested by the public.

Once adequate documentation is received, the SHPO/THPO* has 30 days to object to the determination. ACHP may also object on its own initiative within the time period. Lack of such objection within the 30 day period means that the agency has completed its Section 106 responsibilities.

Historic properties are affected (800.4(d)(2))

The Federal agency must proceed to the assessment of adverse effects when it finds that historic properties may be affected or the SHPO/THPO* or ACHP objects to a no historic properties affected finding. The agency must notify all consulting parties and invite their views.

Assess adverse effects (800.5)

The SHPO/THPO*, and Indian tribes and Native Hawaiian organizations attaching religious and cultural significance to identified properties, must be consulted when agencies apply the criteria of adverse effect. The Agency Official also needs to consider the views of consulting parties and the public.

Apply criteria of adverse effect (800.5(a))

800.5(a)(1) Adverse effects occur when an undertaking may directly or indirectly alter characteristics of a historic property that qualify it for inclusion in the Register. Reasonably foreseeable effects

caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative also need to be considered.

800.5(a)(2) Examples of adverse effects include physical destruction or damage; alteration not consistent with the Secretary of the Interior's *Standards*; relocation of a property; change of use or physical features of a property's setting; visual, atmospheric, or audible intrusions; neglect resulting in deterioration; or transfer, lease, or sale of a property out of Federal ownership or control without adequate protections.

If a property is restored, rehabilitated, repaired, maintained, stabilized, remediated or otherwise changed in accordance with the *Secretary's Standards*, then it will not be considered an adverse effect (assuming that the SHPO/THPO* agrees). Where properties of religious and cultural significance to Indian tribes or Native Hawaiian organizations are involved, neglect and deterioration may be recognized as qualities of those properties and thus may not necessarily constitute an adverse effect.

If a property is transferred leased or sold out of Federal ownership with proper preservation restrictions, then it will not be considered an adverse effect as in the past regulations. Transfer between Federal agencies is not an adverse effect *per se*; the purpose of the transfer should be evaluated for potential adverse effects, so that they can be considered before the transfer takes place.

Alteration or destruction of an archaeological site is an adverse effect, whether or not recovery of archaeological data from the site is proposed. ACHP has issued [guidance](#) to help agencies and others reach agreement on the treatment of such properties.

800.5(a)(3) This section is intended to allow flexibility in Federal agency decision making processes and to recognize that phasing of adverse effect determinations, like identification and evaluation, is appropriate in certain planning and approval circumstances, such as the development of linear projects where major corridors are first assessed and then specific route alignment decisions are made.

800.5(b) The SHPO/THPO* may suggest changes in a project or impose conditions so that adverse effects can be avoided and thus result in a no adverse effect determination. This subsection emphasizes that a finding of no adverse effect is only a proposal when the Agency Official submits it to the SHPO/THPO* for review. This subsection also acknowledges that the practice of "conditional No Adverse Effect determinations" is acceptable.

800.5(c) ACHP will not review no adverse effect determinations on a routine basis. ACHP will intervene and review no adverse effect determinations if it deems it appropriate based on the criteria listed in Appendix A (circumstances warranting ACHP involvement), or if the SHPO/THPO* or another consulting party and the Federal agency disagree on the finding and the agency cannot resolve the disagreement. If Indian tribes or Native Hawaiian organizations disagree with the finding, they can request ACHP's review directly, but this must be done within the 30 day review period.

If a SHPO/THPO* fails to respond to an Agency Official finding within the 30 day review period, then the Agency Official can consider that to be SHPO/THPO* agreement with the finding. When the finding is submitted to ACHP, it will have 15 days for review; if it fails to respond within the 15 days, then the Agency Official may assume ACHP concurrence with the finding. When it reviews no adverse effect determinations, ACHP will limit its review to whether or not the criteria have been correctly applied. ACHP's determination is binding.

No historic properties are adversely affected (800.5(d)(1))

Agencies must retain records of their findings of no adverse effect and make them available to the public. The public should be given access to the information when they so request, subject to Freedom of Information Act (FOIA) and other statutory limits on disclosure, including the confidentiality provisions in [Section 304 of NHPA](#). Failure of the agency to carry out the undertaking in accordance with the finding requires the Agency Official to reopen the Section 106 process and determine whether the altered course of action constitutes an adverse effect.

Historic properties are adversely affected (800.5(d)(2))

A finding of adverse effect requires further consultation on ways to resolve it.

Resolve adverse effects (800.6)

The process for resolving adverse effects has been changed to reflect the altered role of ACHP and the consulting parties.

Continue consultation

800.6(a)(1) When adverse effects are found, the consultation must continue among the Federal agency, SHPO/THPO* and consulting parties to attempt to resolve them. The Agency Official must always notify ACHP when adverse effects are found and must also invite ACHP to participate in the consultation when any of the circumstances in 800.6(a)(1)(i)(A)-(C) exist. A consulting party may also request ACHP to join the consultation. ACHP will decide on its participation within 15 days of receipt of a request, basing its decision on the criteria set forth in Appendix A. Whenever ACHP decides to join the consultation, it must notify the Agency Official and the consulting parties. It must also advise the head of the relevant Federal agency of its decision to participate. This is intended to keep the policy level of the Federal agency apprized of those cases that ACHP has determined present issues significant enough to warrant its involvement.

800.6(a)(2) New consulting parties may enter the consultation if the agency and the SHPO/THPO* (and ACHP, if participating) agree. If they do not agree, it is desirable for them to seek ACHP's opinion on the involvement of the consulting party. Any party, including applicants, licensees or permittees, that may have responsibilities under a Memorandum of Agreement must be invited to participate as a consulting party.

800.6(a)(3) The Agency Official is obligated to provide project documentation to all consulting parties at the beginning of the consultation to resolve adverse effects. Particular note should be made of the reference to the confidentiality provisions.

800.6(a)(4) The Federal agency must provide an opportunity for members of the public to express their views on an undertaking. The provision embodies the principles of flexibility, relating the agency effort to various aspects of the undertaking and its effects upon historic properties. The Federal agency must provide them with notice such that the public has enough time and information to meaningfully comment.

If all relevant information was provided at earlier stages in the process in such a way that a wide audience was reached, and no new information is available at this stage in the process that would assist in the resolution of adverse effects, then a new public notice may not be warranted. However, this presumes that the public had the opportunity to make its views known on ways to resolve the adverse effects.

800.6(a)(5) Although it is in the interest of the public to have as much information as possible in order to provide meaningful comments, this section acknowledges that information may be withheld in

accordance with Section 304 of the NHPA.

Memorandum of Agreement (800.6(b))

If ACHP is not a part of the consultation, then a copy of the executed Memorandum of Agreement must be sent to ACHP so that ACHP can include it in its files to have an understanding of a Federal agency's implementation of Section 106. This does not provide ACHP an opportunity to reopen the specific case, but may form the basis for other actions or advice related to an agency's overall performance in the Section 106 process.

800.6(b)(1) When resolving adverse effects without ACHP, the Agency Official consults with the SHPO/THPO* and other consulting parties to develop a Memorandum of Agreement. If this is achieved, the agreement is executed between the Agency Official and the SHPO/THPO* and filed with required documentation with ACHP. This filing is the formal conclusion of the Section 106 process and must occur before the undertaking is approved. Standard treatments adopted by ACHP may set expedited ways for completing memoranda of agreement in certain circumstances.

800.6(b)(2) When ACHP is involved, the consultation proceeds in the same manner, but the agreement of the Agency Official, the SHPO/THPO* and ACHP is required for a Memorandum of Agreement.

800.6(c) The execution and implementation of a Memorandum of Agreement evidences an agency's compliance with Section 106. Failure to do so requires the Agency Official to reopen the Section 106 process and bring it to suitable closure as prescribed in the regulations.

800.6(c)(1) The rights of signatories to an agreement are spelled out, along with who is required to sign the agreement under specific circumstances. The term "signatory" has a special meaning as described in this section, which is the ability to terminate or agree to amend the Memorandum of Agreement. The term does not include others who sign the agreement as concurring parties.

800.6(c)(2) The Agency Official may invite certain parties to be signatories in addition to those specified in Section 800.6(c)(1). They include individuals and organizations that should, but do not have to, sign agreements. It is particularly desirable to have parties who assume obligations under the agreement become formal signatories. However, once invited signatories sign MOAs, they have the same rights to terminate or amend the MOA as the other signatories.

800.6(c)(3) Other parties may be invited to concur in agreements. They do not have the rights to amend or terminate an MOA. Their signature simply shows that they are familiar with the terms of the agreement and do not object to it.

800.6(c)(4)-(9) These sections set forth specific features of a Memorandum of Agreement and the way it can be terminated or amended.

Failure to resolve adverse effects (800.7)

What happens when the consulting parties cannot reach agreement? Usually when consultation is terminated, ACHP renders advisory comments to the head of the agency, which must be considered when the final agency decision on the undertaking is made. There may be circumstances where ACHP will recommend further discussion to try to resolve the matter.

ACHP comment and agency response

800.7(a)(1) The head of the agency or an Assistant Secretary or officer with major department-wide or agency-wide responsibilities must request ACHP comments when the Agency Official terminates consultation. Section 110(l) of the NHPA requires heads of agencies to document their decision when an agreement has not been reached under Section 106.

800.7(a)(2) ACHP and the Agency Official may conclude the Section 106 process with a Memorandum of Agreement between them if the SHPO terminates consultation.

800.7(a)(3) If a THPO* terminates consultation, there can be no agreement with regard to undertakings that are on or affect properties on tribal lands. In such cases, ACHP will issue formal comments. This provision respects the tribe's unique sovereign status with regard to its lands.

800.7(a)(4) In cases where ACHP terminates consultation, ACHP has the duty to notify all consulting parties prior to commenting. The role given to the [Federal Preservation Officer](#) is intended to fulfill the NHPA's goal of having a central official in each agency to coordinate and facilitate the agency's involvement in the national historic preservation program.

800.7(b) ACHP may provide advisory comments even though it has signed a Memorandum of Agreement. This provision is intended to give ACHP the flexibility to provide comments even where it has agreed to sign an MOA. Such comments might elaborate upon particular matters or provide suggestions to Federal agencies for future undertakings.

800.7(c) ACHP has 45 days to provide its comments to the head of the agency for a response by the agency head. When submitting its comments, ACHP will also provide the comments to the Federal Preservation Officer, among others, for information purposes.

800.7(c)(4) This section specifies what it means to "document the agency head's decision" as required by Section 110(l) when ACHP issues its comment to the agency head.

*** The regulations define the term "THPO" as those tribes that have assumed SHPO responsibilities on their tribal lands and have been certified pursuant to Section 101(d)(2) of the NHPA. Nevertheless, remember that tribes that have not been so certified have the same consultation and concurrence rights as THPOs when the undertaking takes place, or affects historic properties, on their tribal lands. The practical difference is that during such undertakings, THPOs would be consulted *in lieu of* the SHPO, while non-certified tribes would be consulted *in addition to* the SHPO.**

Updated February 12, 2001

[Return to Top](#)

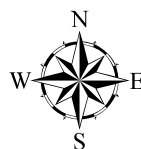
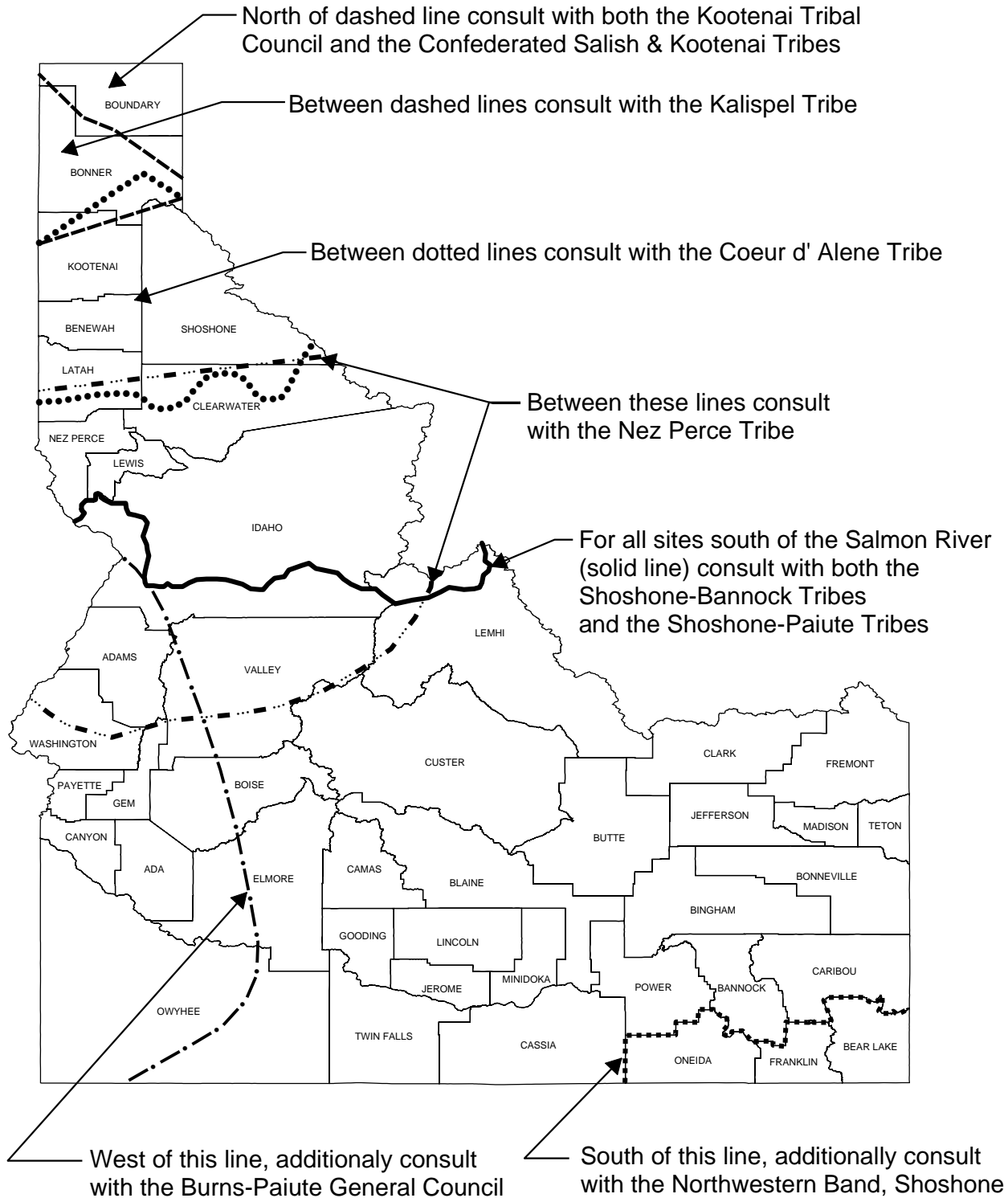
Appendix 5

Map of Tribal Areas of Concern and List of Tribal Cultural Resource Offices

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CONSULTATION ON CULTURAL AND RELIGIOUS SITES

APPROXIMATE AREAS OF CONCERN FOR EACH TRIBE



Idaho RD Instruction 1940-G
State Supplement to
RUS Bulletin 1794A-602

Note: The areas of Idaho of interest to the tribes overlap in some instances and referral to two or more tribes may be necessary for at least the initial contact.

Beth Coahran, Director
Cultural Resource Program
Burns-Paiute General Council
HC-71 100 Pasigo St.
Burns, OR 97720-9303
(541) 573-2522
Fax (541) 573-2422
bcoahran@centurytel.net

Diane David, Director
Cultural Resource Program
Kootenai Tribal Council
PO Box 1269
Bonners Ferry, ID 83805
(208) 267-3519
Fax (208) 267-2962

Richard Mullen, Director
Cultural Resource Program
or Alfred Nomee, Director
National Resource Program
Coeur d'Alene Tribe of Idaho
PO Box 408
Plummer, ID 83851
(208) 686-1800 Fax (208) 686-1182
webmaster@cdatribe-nsn.gov

Vera Sonneck, Director
Cultural Resource Program
Nez Perce Tribe
PO Box 305
Lapwai, ID 83540
(208) 843-7313
Fax (208) 843-7419
vsonneck@nezperce.org

Marcia Cross, THPO
Confederated Salish & Kootenai Tribes
PO Box 278
Pablo, MT 59855
(406) 675-2700, ext. 1077
marciaP@cskt.org

LaRae Buckskin, Director
Cultural Resource Program
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203
(208) 238-3700
Fax (208) 237-0797

Kevin Lyon, Director
Cultural Resource Program
Kalispel Tribe
PO Box 39
Usk, WA 99180
(509) 445-1147 ext 275

Ted Howard, Director
Cultural Resource Program
Shoshone-Paiute Tribe
Box 21
Owyhee, NV 89832
(702) 757-3161
Fax (702) 757-2219

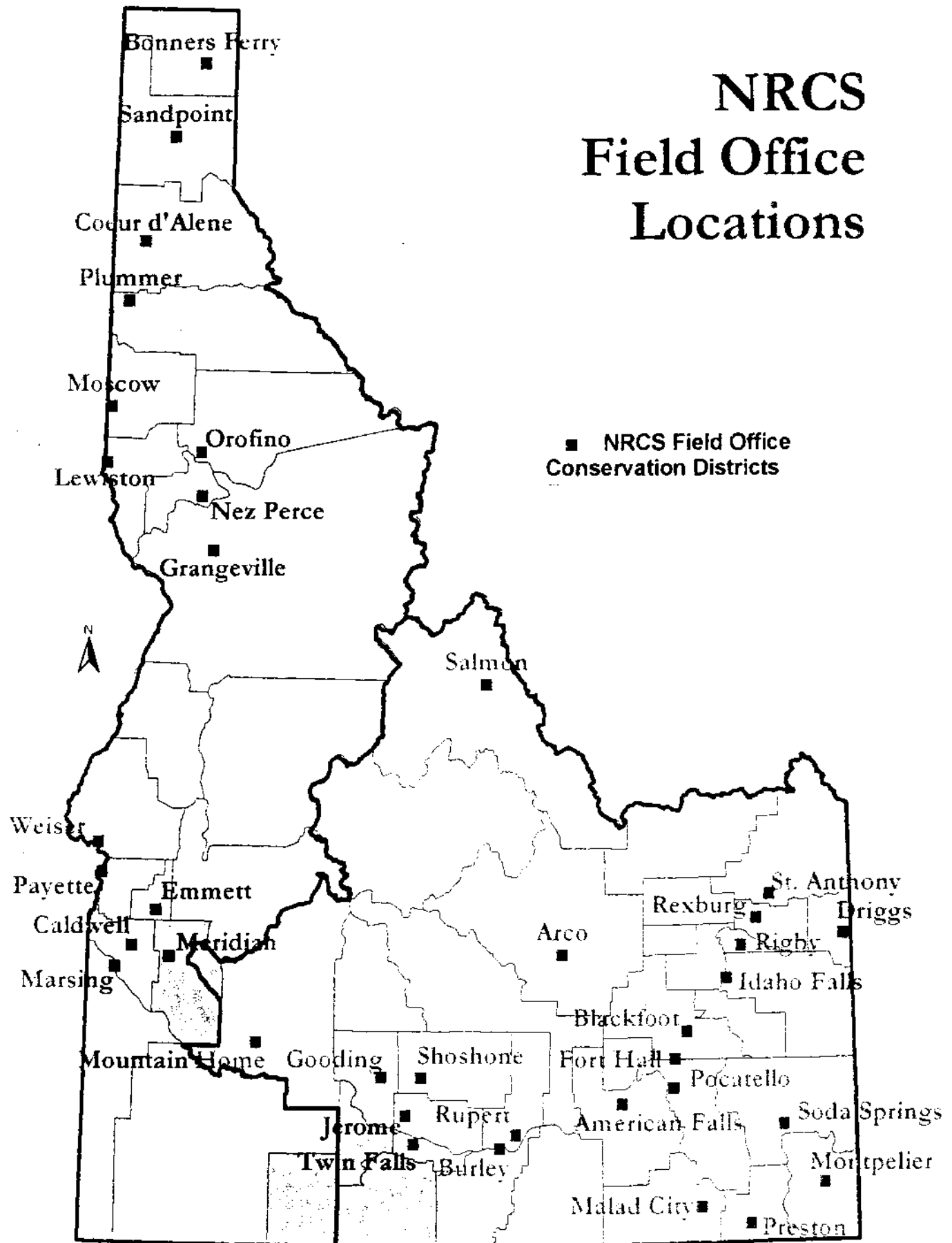
Patti Madson, Director
Cultural Resource Program
Northwest Band, Shoshone Tribe
862 S. Main St., Ste. 6
Brigham City, UT 84302
(435) 734-2286
Fax (435) 734-0424
nwbandshoind@favorites.com

Appendix 6

NRCS Contacts

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NRCS Field Office Locations



Field Contact Points

NRCS Field Offices by County and Conservation District

<u>County</u>	<u>District Conservationist</u>	<u>Address</u>	<u>Assisting Soil (and Water) Conservation District</u>	<u>Phone</u>
Ada	Skip Vetten	132 SW 5th Ave. Meridian ID 83642-2774	Ada SWCD	888-1890
Adams (see Washington)				
Bannock	Scott Engle	1551 Baldy Ave., Suite 2 Pocatello ID 83201-7117	Portneuf SWCD	237-4628
Bear Lake (see Caribou)		785 N. 4th St., Ste B Montpelier ID 83254-1542	Bear Lake SWCD	847-0585
Benewah	Mark Cottrell	900 E St. (PO Box 488) Plummer ID 83851-0488	Benewah SWCD	686-1699
Bingham	Dean Smith (5-30-04)	725 Jensen Grove Dr, Ste 3 Blackfoot ID 83221-3847	Central Bingham SWCD North Bingham SCD	785-6505
Blaine (see Lincoln)				
Boise (see Gem)				
Bonner	Jeff Stewart	1500 Highway #2, Rm. 306 Sandpoint ID 83864-1794	Bonner SWCD	263-5310
Bonneville	Dennis Hadley	1120 Lincoln Rd., Suite A, Idaho Falls ID 83401-2122	East Side SWCD West Side SWCD	522-5137
Boundary	Mike Gondek	6813 El Paso (PO Box 23) Bonners Ferry ID 83805-0023	Boundary SCD	267-3340
Butte	Steve Cote	125 S. Water St. (PO Box 819) Arco ID 83213-0819	Butte SWCD Custer SWCD	527-8557
Camas (see Gooding)				
Canyon	Jeff Bohr	2208 E. Chicago, Suite A Caldwell ID 83605-4475	Canyon SCD	454-8684
Caribou	Larry Mickelsen	390 E. Hooper Ave. East Soda Springs ID 83276-1494	Caribou SCD	547-2558
Cassia	Mike Combs	1361 E. 16th St. Burley ID 83318-2929	East Cassia SCD West Cassia SWCD	678-1225
Clark (see Madison)				
Clearwater	Bruce Hanson	2200 Michigan Ave., Box C Orofino ID 83544-9010	Clearwater SWCD	476-5313
Custer (see Butte)				

<u>County</u>	<u>District Conservationist</u>	<u>Address</u>	<u>Assisting Soil (and Water) Conservation District</u>	<u>Phone</u>
Elmore	Ron Blake	795 S. Haskett Mountain Home ID 83647-2633	Elmore SWCD	587-3616
Franklin	Boyd Bradford	98 E. 800 N., Suite 3 Preston ID 83263-5388	Franklin SWCD	852-0562
Fremont	Ken Beckmann	315 E. 5th N. St. Anthony ID 83445-1626	Yellowstone SCD	624-3341
Gem	Levi Montoya	1805 Highway 16, Rm 1 Emmett ID 83617-9554	Gem SWCD Squaw Creek SCD Valley SWCD	365-4212
Gooding	Steve Thompson	211 University Dr. Gooding ID 83330-6155	Camas SCD Gooding SCD	934-8481
Idaho	Richard Spencer	203 N. A St. Grangeville ID 83530-1201	Idaho SWCD	983-1046
Jefferson	Howard Johnson	182 E. Fremont Rigby ID 83442-1409	Jefferson SWCD Mud Lake SWCD	745-6662
Jerome	Tom Burnham	20 W. 100 S. Jerome ID 83338-5314	North Side SWCD	324-2501
Kootenai	Mark Addy	7830 Meadowlark Way, Ste. C-1 Coeur d'Alene ID 83815	Kootenai-Shoshone SWCD	762-4939
Latah	Diane Leone	220 E. 5th St., Rm 212C Moscow ID 83843-2964	Latah SWCD	882-4960
Lemhi	Mark Olson	31 Highway 93 North, Ste. D Salmon ID 83467-4244	Lemhi SWCD	756-3211
Lewis	Kevin Seitz	521 Oak (PO Box 237) Nezperce ID 83543-0237	Lewis SCD	937-2673
Lincoln	Kevin Davidson	215 W. F St. (PO Box 398) Shoshone ID 83352-0398	Blaine SCD Wood River SWCD	886-2258
Madison	Denise Adkins	263 E. 4th N. Rexburg ID 83440-1659	Clark SCD Madison SWCD	356-3218
Minidoka	Patrick Evans	98-B So. 200 West Rupert ID 83350	Minidoka SWCD	436-4777
Nez Perce	Rob Fredericksen	1630 23rd Ave., Ste. 5 Lewiston ID 83501-9662	Nez Perce SWCD	746-9886
Oneida	Ernie Hendricks	175 S. 300 E., Suite 1 Malad ID 83252-1343	Oneida SWCD	766-4748
Owyhee	Peter Sinclair	19 Reich St (PO Box 486) Marsing ID 83639-0486	Bruneau River SCD Owyhee SCD	896-4544

<u>County</u>	<u>District Conservationist</u>	<u>Address</u>	<u>Assisting Soil (and Water) Conservation District</u>	<u>Phone</u>
Payette	Mike Raymond	1630 3rd Ave. S. Payette ID 83661-2999	Payette SWCD	642-4402
Power	Roy Fowler	505 N. Oregon Trail American Falls ID 83211-1818	South Bingham SCD Power SCD	226-2177
Shoshone (see Kootenai)				
Teton	Steve Ray	443 N. Highway 33 (PO Box 87) Driggs ID 83422-0087	Teton SCD	456-2948
Twin Falls	Steve Schuyler	1441 Fillmore St., Suite A Twin Falls ID 83301-3380	Balanced Rock SCD Snake River SWCD Twin Falls SWCD	733-5380
Valley (see Gem)				
Washington	Tom Yankey	847 E. 9th St. Weiser ID 83672-2356	Adams SWCD Weiser River SCD	549-4280
Fort Hall Reservation	Kurt Cates	Pima Dr., Bldg. 7 (P.O. Box 306) Fort Hall ID 83203-0306	Fort Hall NRCD	478-3778

Appendix 7

Historic Sites Inventory Form

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EX-100
JUL 11 1996

IDAHO STATE HISTORICAL SOCIETY

Preserving Idaho's Past

John R. Hill Director

Philip E. Batt Governor

TO: Federal Applicants/Federal Agencies

FROM: State Historic Preservation Office

RE: Documentation of historic properties pursuant to Section 106

Please find enclosed an Idaho Historic Sites Inventory (IHSI) basic documentation form. This form should be used to document buildings, objects, landscapes, or other non-archaeological resources within the boundaries of federal undertakings. Complete the starred (*) items in order to minimally satisfy our information needs for the purpose of evaluating architectural properties for National Register eligibility. A manual with more detailed instructions is available upon request.

- Field name/Field number: If relevant, provide the name by which the property is commonly known. Disregard field number.
- Map Reference: If a U.S.G.S. map is used to locate a property, provide the official name of the map. For urban properties, provide the name of a formal city map. Indicate the precise location of the property on the attached map.
- Property Type: Use only - building, structure, object, site, or landscape.
- Total # features: Cite the total number of historic properties recorded. Example, a farmstead - house, barn and silo - would total 3 features.
- Associated bldgs./structures: Using the example above, list house, barn, and silo.
- Construction Date/Estimated Construction Period: Enter a known construction date or estimated construction period.
- Condition: Use only - excellent, good, fair, poor
- Materials: Use only - earth, wood, brick, stone, concrete, metal, synthetics, other (specify).
- Original Use: Use only - domestic, commerce/trade, social, government, education, religion, recreation/culture, industry, health care, defence/military, landscape, transportation, funerary, agriculture/subsistence.
- Current Use: Enter the appropriate term from the list above, or enter one of the following - work in progress, vacant/not in use, unknown.
- National Register Recommendation: The completion of this section is encouraged but not required.

Administration
210 Main Street

Historic Preservation
210 Main Street

Historic Sites
2449 Old Penitentiary Road
Boise, Idaho 83702

Historical Library and Archives
450 North Fourth Street
Boise, Idaho 83702

Historical Museum
610 North Julia Davis Drive
Boise, Idaho 83702

PROJECT DESCRIPTION
IDAHO STATE HISTORIC PRESERVATION OFFICE

The Idaho State Historic Preservation Office (SHPO) has developed this form to assist the directors of federal, federally assisted, or federally funded projects in their compliance with Section 106 of the National Historic Preservation Act. Some cases will require information beyond that asked for below, but completion of this form will allow for an expedited review of most projects.

Federal agency involved: _____
Name of federal program: _____
Project start date: _____ end date: _____
Project location: Address _____
City _____
County _____

PROJECT DESCRIPTION:

Please provide a clear description of the overall project and specific activities that will affect the physical characteristics of the structure.

Exterior: _____

Photo attached: _____ Yes Plans/drawings attached: _____ Yes

Interior: _____

Photo attached: _____ Yes Plans/drawings attached: _____ Yes

SEE REVERSE

Project elements which may affect the setting or environment of the property (such as landscaping, parking facilities, adjacent new construction, etc.):

OTHER REQUIREMENTS:

Photographs are needed which clearly show the specific areas of the structure to be affected by the project. Photos should be as current as possible. Color or black-and-white are acceptable. If the project involves rehabilitation of a building, architectural plans, drawings, and elevations are very helpful in our assessment of project effects. If additional information is needed to complete our evaluation, we will contact you as soon as possible.

Name of person completing this form: _____
Address: _____
Telephone: _____
Date: _____

RETURN THIS FORM TO: Idaho State Historic Preservation Office
210 Main
Boise, Idaho 83702

SHPO COMMENTS

MOA/PA involved? ☐ No ☐ Yes Agency: _____

Determination of Eligibility: _____

Project finding: _____
 ☐ No properties
 ☐ No effect
 ☐ No adverse effect
 ☐ Adverse effect

Reviewed by: _____ Date: _____

COMMENTS:

This form provides the basic documentation required to determine a property's eligibility for the National Register. To ensure an expedited review, complete all starred (*) items on front and back, as well as the National Register Recommendation.

PROPERTY DATA

*Property Name/Field Number _____ / _____
 *Map Reference _____
 *Township _____ *Range _____ *Section _____
 " _____ 1/4 of " _____ 1/4 of " _____ 1/4, Boise Meridian
 UTM _____ easting _____ northing _____
 *County _____ *Acres _____
 *Address _____ *City _____
 Lot(s) _____ Block(s) _____
 Historic Context(s) _____
 *Property Type _____ *Total # features _____
 *Associated bldgs./structures _____
 *Construction Date _____ *Estimated Construction Period _____
 Style _____ Plan _____
 *Condition _____ *Moved: Yes _____ When _____
 *Materials _____
 *Original Use _____ *Current Use _____

<input type="checkbox"/> Individually eligible	<input type="checkbox"/> Not eligible
<input type="checkbox"/> Contributing in a potential district	<input type="checkbox"/> Noncontributing
<input type="checkbox"/> Multiple property study	<input type="checkbox"/> Historical significance
<input type="checkbox"/> Significant person	<input type="checkbox"/> Historic landscape
<input type="checkbox"/> Architectural/artistic values	<input type="checkbox"/> Not evaluated

Comment _____

*Recorded by _____ *Phone _____
 *Address _____
 *Project/Report Title _____
 Survey Report # _____ Reconnaissance _____ Intensive _____ *Date _____

ISI	/
R&C	/
SITS	/

SECTION 106 REVIEW AND COMPLIANCE DATA

Map and Photographic Requirements:

It is critical that we know the precise location of the property described on this form. Please include a clear map showing the exact location of the property. For city properties, a city map or equivalent must clearly pinpoint the location and identify nearby streets. For rural properties, USGS topographic maps or equivalent are recommended.

*Map included: ☐ Yes

In order to evaluate the physical integrity of a property and its eligibility for the National Register, clear photographs must accompany this form. Photographs must provide a good overall view of the property as it presently appears. This may require several views of a building sufficient to illustrate minor facades, architectural details, interiors, and overall perspectives of the surrounding environment. For urban properties, photographs of adjacent buildings and streetscapes are appropriate. Do not affix photographs to paper, etc.

*Photographs(s) included: ☐ Yes

If possible, include significant historical events, dates, persons, associated with the property. Note any documentary sources which support the property's significance such as archival materials, newspapers, books, articles, historic photographs, etc.

RETURN THIS FORM TO: Idaho State Historic Preservation Office
210 Main
Boise, ID 83702

SHPO COMMENTS

Listed in NR: ☐ Less than fifty years of age: ☐

Context(s) for evaluation: _____

☐ ELIGIBLE - Criterion A B C D

☐ NOT ELIGIBLE - Available documentation does not support eligibility under any Criterion or Exception.

Reason: _____

Federal Agency Involved: _____

Reviewer: _____ Date: _____

NOTES:

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Appendix 8

Water Quality Limited Stream Segments

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EPA's Additions to the 1998 Idaho 303(d) List

U.S. Environmental Protection Agency

January 2001

	HUC	WQLSEG	Waterbody	Boundaries	Pollutant
1	16010202	5254	Worm Creek	Headwaters to Utah line	Temperature
2	17010104	2002	Boundary Creek	Headwaters to mouth	Temperature
3	17010104	3368	Deep Creek	Headwaters to Kootenai River	Temperature
4	17010213	2005	Cascade Creek	Headwaters to mouth	Temperature
5	17010213	2007	Lightning Creek	Headwaters to mouth	Temperature
6	17010213	2008	Mosquito Creek	Headwaters to mouth	Temperature
7	17010213	2009	Porcupine Creek	Headwaters to mouth	Temperature
8	17010213	2010	Rattle Creek	Headwaters to mouth	Temperature
9	17010213	3476	Wellington Creek	Headwaters to mouth	Temperature
10	17010214	3465	Granite Creek	Headwaters to Pend Oreille Lake	Temperature
11	17010214	2011	Grouse Creek	Headwaters to mouth	Temperature
12	17010214	2012	Pack River	HWY 95 to Pend Oreille Lake	nutrients, sediment, dissolved oxygen, pathogens, pesticides
13	17010214	3462	Trestle Creek	Headwaters to Pend Oreille Lake	Temperature
14	17010214	2013	Upper Cocolalla Creek	Headwaters to mouth	Temperature
15	17010215	5622	Gold Creek	Washington line to Hughes Fork	Temperature
16	17010215	5616	Granite Creek	Headwaters to mouth	Temperature
17	17010215	5615	Lion Creek	Headwaters to Priest Lake	Temperature
18	17010215	2014	Soldier Creek	headwaters to mouth	Temperature
19	17010215	3427	Two Mouth Creek	Headwaters to Priest Lake	Temperature
20	17010301	3495	Steamboat Creek	Headwaters to CdA River	Temperature
21	17010303	3543	Fernan Creek	Headwaters to CdA Lake	Temperature
22	17010303	3585	Santa Creek	Headwaters to St. Maries River	Temperature
23	17010304	5619	Beaver Creek	Headwaters to St. Joe River	Temperature
24	17010304	5022	Bluff Creek	Headwaters to St. Joe River	Temperature
25	17010304	3593	Emerald Creek, EF	Headwaters to mouth	Temperature
26	17010304	2015	Fishhook Creek	headwaters to mouth	Temperature
27	17010304	2016	Fly Creek	headwaters to mouth	Temperature
28	17010304	2017	Heller Creek	Headwaters to mouth	Temperature
29	17010304	2018	Loop Creek	Headwaters to mouth	Temperature
30	17010304	2020	Mosquito Creek	Headwaters to mouth	Temperature
31	17010304	2022	Simmons Creek	Headwaters to mouth	Temperature
32	17010304	3579, 3580	St. Maries River	headwaters to mouth	Temperature
33	17010304	3594	St. Maries River, MF	Headwaters to St. Maries River	Temperature
34	17040202	2023	Duck Creek	Headwaters to mouth	Temperature
35	17040202	2024	Howard Creek	Headwaters to mouth	Temperature
36	17040202	2025	Targhee Creek	Headwaters to mouth	Temperature
37	17040202	2026	Timber Creek	Headwaters to mouth	Temperature
38	17040202	2027	Warm River	Headwaters to mouth	Temperature
39	17040205	2044	Grays Lake Outlet	Grays Lake to Willow Creek	Temperature
40	17040205	2028	Rock Creek	Headwaters to mouth	Temperature
41	17040205	2035, 2037, 2039	Willow Creek	Grays Lake Outlet to mouth	Temperature
42	17040207	5267	Brush Creek	Headwaters to Blackfoot River	Temperature
43	17040209	2029	Calf Creek	Headwaters to mouth	Temperature
44	17040209	5273	South Fork Rock Creek	Headwaters to Rock Creek	Temperature

	HUC	WQLSEG	Waterbody	Boundaries	Pollutant
45	17040211	5274	Mill Creek	USFS boundary to mouth	Temperature
46	17040212	5646	Cedar Draw Creek	Headwaters to Snake River	Temperature
47	17040212	2379	Clover Creek	Pioneer Res. to Snake River	Temperature
48	17040212	5286	Deep Creek	Headwaters to Snake River	Temperature
49	17040212	5647	Mud Creek	Headwaters to Snake River	Temperature
50	17040213	2030	Hot Creek	Headwaters to mouth	Temperature
51	17040217	2031	Badger Creek	BLM/FS Boundary to mouth	Temperature
52	17040217	2032	Barney Creek	Headwaters to mouth	Temperature
53	17040217	2033	Basin Creek	Headwaters to mouth	Temperature
54	17040217	2034	Big Creek	Headwaters to mouth	Temperature
55	17040217	2052	Big Springs Creek	Headwaters to mouth	Temperature
56	17040217	2058	Coal Creek	Headwaters to mouth	Temperature
57	17040217	2059	Deer Creek	Headwaters to mouth	Temperature
58	17040217	2060	Dry Creek	Headwaters to mouth	Temperature
59	17040217	2061	Fallert Springs Creek	Headwaters to mouth	Temperature
60	17040217	2062	Iron Creek	Headwaters to mouth	Temperature
61	17040217	5660	Little Lost River	Headwaters to Big Springs Creek	Temperature
62	17040217	2063	Mill Creek	Headwaters to mouth	Temperature
63	17040217	2064	Smithie Creek	Headwaters to mouth	Temperature
64	17040217	2065	Squaw Creek	Headwaters to Sawmill Creek	Temperature
65	17040217	2066	Squaw Creek	Headwaters to Wet Creek	Temperature
66	17040217	2067	Summerhouse Canyon Creek	Headwaters to mouth	Temperature
67	17040217	2068	Summit Creek	Headwaters to mouth	Temperature
68	17040217	5654	Summit Creek	Headwaters to Little Lost River	Temperature
69	17040217	2069	Timber Creek	Headwaters to mouth	Temperature
70	17040217	2070	Williams Creek	USFS boundary to mouth	Temperature
71	17040218	2071	Leadbelt Creek	Headwaters to mouth	Temperature
72	17040221	2511, 2512, 2513	Little Wood River	Little Wood Reservoir to Big Wood River	Temperature
73	17040221	5288	Muldoon Creek	Headwaters to Little Wood River	Temperature
74	17050101	2423	Alkali Creek	Headwaters to Snake River	Temperature
75	17050101	2424	Little Canyon Creek	Headwaters to Snake River	Temperature
76	17050101	2422	Ryegrass Creek	Headwaters to Cold Springs Creek	Temperature
77	17050102	2558	Clover Creek	Headwaters to Bruneau River	Temperature
78	17050102	2555	Wickahoney Creek	Headwaters to 2.5 miles below headwaters	Sediment
79	17050103	2682	Brown Creek	Headwaters to Catherine Creek	Temperature
80	17050103	2072	Cottonwood Creek	Headwaters to Succor Creek	Temperature
81	17050103	2680	N.F. Castle Creek	Headwaters to Castle Creek	Temperature
82	17050103	2674	Squaw Creek	Headwaters to Snake River	Temperature
83	17050108	2648, 2649	Jordan Creek	Headwaters to Oregon Line	Temperature
84	17050108	2662	Soda Creek	Headwaters to Cow Creek	Temperature
85	17050112	2073	Mores Creek	Headwaters to Arrowrock Res.	Temperature
86	17050113	2588	Lime Creek	Headwaters to Anderson Ranch Reserv	Temperature
87	17050113	2578	Smith Creek	Headwaters to S Fk Boise River	Temperature
88	17050114	2728	Boise River	Barber Diversion to Star	Temperature
89	17050114	2074	Dixie Drain	Headwaters to mouth	Temperature
90	17050114	2731, 2732	Indian Creek	Headwaters to Boise River	Temperature
91	17050114	5637	Willow Creek	Headwaters to Boise River	Temperature
92	17050121	2703	MF Payette River	Headwaters to South Fk. Payette River	Temperature
93	17050122	5635	Big Willow Creek	Headwaters to Payette River	Temperature
94	17050123	2075	Box Creek	Headwaters to mouth	Temperature
95	17050123	2076	Fall Creek	Headwaters to mouth	Temperature
96	17050124	2840	Crane Creek	Headwaters to Weiser River	Temperature
97	17050124	2845	Little Weiser River	Headwaters to Weiser River	Temperature

	HUC	WQLSEG	Waterbody	Boundaries	Pollutant
98	17050201	2077	Wildhorse River	Headwaters to mouth	Temperature
99	17060101	2079	Snake River	Hells Canyon Dam to Salmon River	Temperature
100	17060103	2080	Snake River	Salmon River to Wash. State line	Temperature
101	17060201	2081	Squaw Creek	Headwaters to mouth	Temperature
102	17060204	3065	Bohannon Creek	Headwaters to Lemhi River	Temperature
103	17060204	3093	Eighteenmile Creek	Headwaters to Lemhi River	Temperature
104	17060204	3072	Kenney Creek	Headwaters to Lemhi River	Temperature
105	17060204	3061	Kirtley Creek	Headwaters to Lemhi River	Temperature
106	17060204	7611	Lemhi River	Headwaters to Salmon River	Temperature
107	17060204	3084	Little Eightmile Creek	Headwaters to Lemhi River	Temperature
108	17060204	3070	Sandy Creek	Headwaters to Lemhi River	Temperature
109	17060204	3067	Wimpey Creek	Headwaters to Lemhi River	Temperature
110	17060209	3323	Deer Creek	Headwaters to Salmon River	Temperature
111	17060209	2082	Rock Creek	Headwaters to Salmon River	Temperature
112	17060210	2083	Big Creek	Headwaters to mouth	Temperature
113	17060210	2863	Little Salmon River	Headwaters to Salmon River	Temperature
114	17060303	3257	Boulder Creek	Headwaters to Lochsa River	Temperature
115	17060303	5037	Canyon Creek	Headwaters to mouth	Temperature
116	17060303	2084	Fish Creek	Headwaters to mouth	Temperature
117	17060303	5080	Glade Creek	Headwaters to mouth	Temperature
118	17060303	5137	Nut Creek	Headwaters to mouth	Temperature
119	17060303	2085	Placer Creek	Headwaters to mouth	Temperature
120	17060303	2086	Polar Creek	Headwaters to mouth	Temperature
121	17060303	5183	S.F. Canyon Creek	Headwaters to mouth	Temperature
122	17060303	2087	Storm Creek	Headwaters to mouth	Temperature
123	17060303	5068	W.F. Deadman Creek	Headwaters to mouth	Temperature
124	17060303	5265	Walde Creek	Headwaters to mouth	Temperature
125	17060305	2088	Big Elk Creek	Headwaters to mouth	Temperature
126	17060305	2089	Little Elk Creek	Headwaters to mouth	Temperature
127	17060306	5225	Big Bear Creek	W. Fk. Big Bear to Potlatch River	Temperature

Key to Headings on EPA's Additions to the 1998 Idaho 303(d) List

HUC: Hydrologic Unit Code, a unique number describing a series of nested watersheds
WQLSLEG: Water Quality Limited Segment Number; a unique number for each segment
WATERBODY: Idaho Geographic Society Name for the waterbody
BOUNDARIES: Extent of segment
POLLUTANTS: Various, but mostly temperature

2.1 IDAHO'S 1998 303(d) LIST

This list/report is required by the Clean Water Act pursuant to §303(d). States are required to submit this list to the U.S. Environmental Protection Agency every two years. The list represents a comprehensive status of water quality in Idaho. Streams, rivers, lakes and reservoirs are evaluated for this list.

Water bodies on this list have been determined to be water quality limited, that is, they do not support their beneficial uses or exceed water quality standards. Water bodies also remain on the 1998 list if they were on the 1996 list and have not been assessed to date. The list displays the water quality limited segment number, hydrologic unit number, common water body name, boundaries, whether it is an add for 1998, pollutants for which the water body is listed, number of miles affected, whether these water bodies are on or run through tribal lands, and year a Total Maximum Daily Load would be submitted to the U.S. Environmental Protection Agency.

Key to Headings on the 1998 303(d) List

HUC:	Hydrologic Unit Code, a unique number describing a series of nested watersheds
WQLSEG:	Water Quality Limited Segment Number; a unique number for each segment
WATERBODY:	Idaho Geographic Society Name for the water body
ADDS:	A segment being added to the 1998 303(d) List
BOUNDARIES:	Extent of segment
STREAM MILES:	Length, in miles, of the listed segment
POLLUTANTS:	Various; listed below
YEAR LIST:	Year water body went on 303(d) List
YEAR TMDLDU:	Year water body scheduled for TMDL development

BA = Bacteria	CHS = Channel Stability	DO = Dissolved Oxygen
HALT = Habitat Alteration	MTH = Metals (Hg)	MTU = Metals (Unknown)
NUT = Nutrients	O/G = Oil/Gas	ORG = Organic
pH = [H ⁺ ions]	SAL = Salinity	SED = Sediment
TEMP = Temperature	UNKN = Unknown	QALT = Flow Alteration
NH3 = Ammonia	PST = Pesticides	TDG = Total Dissolved Gas

Organization of the 1998 303(d) List

The list is organized by HUC. A map of all the HUCs in the state of Idaho is included in this package. Within each HUC the segments are listed in the order of their WQLSEG number and not alphabetically. The WQLSEG number can be used to cross reference the large format 1998 303(d) List maps. The maps are not included in this package due to size limitations, however, they are available upon request from DEQ.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

HUC	WQLSEG	IGDS_NAME	BOUNDARIES
17060306	5211	West Fork Pollatch River	Cougar Creek to Pollatch River
17060306	3145	West Fork Sweetwater Creek	Headwaters to Boundary
17060306	7143	Winchester Lake	
17060306	5216	Yakus Creek	Molly Creek to Lolo Creek
UPPER NORTH FORK CLEARWATER			
17060307	5040	China Creek	Headwaters to Osier Creek
17060307	5045	Cold Springs Creek	Headwaters to N Fk Clearwater R
17060307	5047	Cool Creek	Headwaters to Cold Springs Creek
17060307	5049	Cougar Creek	Headwaters to Quartz Creek
17060307	5059	Deception Gulch	Headwaters to N Fk Clearwater R
17060307	3229	Gravey Creek	Headwaters to Cayuse Creek
17060307	5068	Grizzly Creek	Headwaters to Quartz Creek
17060307	5093	Hem Creek	Headwaters to Sylvan Creek
17060307	5104	Laundry Creek	Headwaters to Osier Creek
17060307	5119	Marten Creek	Headwaters to Gravey Creek
17060307	5123	Middle Creek	Headwaters to Welts Creek
17060307	3215	Orogrande Creek	Headwaters to N Fk Clearwater River
17060307	3225	Osier Creek	Headwaters to Moose Creek
17060307	5178	Sneak Creek	Headwaters to N Fk Clearwater
17060307	5189	Sugar Creek	Headwaters to Swamp Creek
17060307	5190	Swamp Creek	Headwaters to Osier Creek
17060307	5192	Sylvan Creek	Headwaters to French Creek
17060307	5193	Tamarack Creek	Headwaters to Orogrande Creek
17060307	5200	Tumble Creek	Headwaters to Washington Creek
LOWER NORTH FORK CLEARWATER			
17060308	5014	Beaver Creek	Headwaters to N Fk Clearwater R
17060308	5016	Bertha Creek	Headwaters to Beaver Creek
17060308	5020	Bingo Creek	Headwaters to Beaver Creek
17060308	3197	Breakfast Creek	Headwaters to Clearwater R.
17060308	3191	Cranberry Creek	Headwaters to Dworshak Reservoir
17060308	5063	Dog Creek	Headwaters to Isabella Creek
17060308	3189	Elk Creek	Headwaters to Dworshak Reservoir
17060308	3190	Elk Creek Reservoir	
17060308	3198	Floodwood Creek	Headwaters to Breakfast Creek
17060308	5095	Isabella Creek	Headwaters to NF Clearwater
17060308	5100	Johnson Creek	Tributary to Elk Creek
17060308	3188	Long Meadow Creek	Headwaters to Dworshak Reservoir
17060308	3184	North Fork Clearwater River	Dworshak Dam to conflu of Clearwater River
17060308	5140	Partridge Creek	Headwaters to Elk Creek
17060308	3193	Reeds Creek	Headwaters to Dworshak Reservoir
17060308	5181	Sourdough Creek	Headwaters to Beaver Creek
17060308	5182	South Fork Beaver Creek	Headwaters to Beaver Creek
17060308	3199	Stoney Creek	Headwaters to Breakfast Creek
17060308	3192	Swamp Creek	Headwaters to Dworshak Reservoir
17060308	5209	West Fork Elk Creek	Headwaters to Elk Creek

YEAR_LIST	YEAR	MLDLU	THREATENED	TRIBAL_RES	BACTERIA	CHAN_ALT	DO	FLOW_ALT	HABITAT	MET_HG	MET	NH3	NUTRIENTS	OIL_GAS	ORGANICS	PESTICIDES	PH	SALINITY	SEDIMENT	TDG	TEMPERATUR	UNKN	LENGTH	MILE
1996	2003	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3.07
1996	2003	0	0	1	1	0	1	1	1	0	0	0	1	0	1	1	0	0	1	0	0	1	0	19.53
1996	1998	0	1	1	0	1	1	1	1	0	0	0	1	0	0	1	0	0	1	0	1	0	0	0.00
1996	2003	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	2.94
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	4.89
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	4.84
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3.32
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3.69
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	4.74
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	8.96
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	4.53
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	4.96
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	4.39
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	4.47
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	13.32
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	19.51
1996	2000	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	8.09
1996	2000	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3.49
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3.99
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	5.39
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	4.31
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3.92
1996	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	4.60
1996	2002	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	15.97
1996	2002	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	2.72
1996	2002	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	2.77
1996	2002	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	8.84
1996	2002	0	0	1	0	0	0	1	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0	6.79
1996	2002	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3.88
1996	2002	0	0	0	1	0	0	1	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0	20.85
1996	2002	0	1	0	1	0	1	1	1	0	0	0	1	0	0	0	0	0	1	0	1	0	0	0.00
1996	2002	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	13.59
1996	2002	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	8.54
1996	2002	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3.27
1996	2002	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	12.15
1996	2002	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1.91
1996	2002	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4.85
1996	2002	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	15.95
1996	2002	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3.12
1996	2002	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	4.75
1996	2002	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	12.23
1996	2002	0	0	1	0	0	0	1	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0	7.36
1996	2002	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3.50

Appendix 9

List of Endangered, Threatened, and Candidate Species

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Idaho Endangered, Threatened, Proposed and Candidate Species by County

This county species list is for informational purposes only. U.S. Fish and Wildlife Service biologists have used the best scientific and biological information available to formulate this list. This list is updated quarterly.

Section 7 of the Act requires Federal agencies to assure that their actions are not likely to jeopardize the continued existence of endangered or threatened species. Federal funding, permitting, or land management decisions are considered to be Federal actions subject to Section 7. If the proposed action may affect a listed species, consultation with the Service is required. Formal consultation must be initiated for any project that is likely to adversely affect a threatened or endangered species. If a proposed species is likely to be jeopardized by a Federal action, regulations require a conference between the Federal agency and the Service.

Disclaimer:

The information provided in this website is for information and education purposes. It is not intended for official consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act. To begin the consultation process, you should request an official species list from our office. The request can be mailed or faxed, or you can complete an [Official Species List Request Form](#) on this website.



LE - Listed endangered

LT - Listed threatened

XN - Experimental/non-essential population

PE - Proposed Endangered

C - Candidate

Candidate species have no protection under the Act, but are included for your early planning consideration. Candidate species could be proposed or listed during the project planning period, and would then be covered under Section 7 of the Act. The Service advises an evaluation of potential effects on candidate species that may occur in the project area.

ADA COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering area
Bull trout (<i>Salvelinus confluentus</i>)	LT
Idaho springsnail (<i>Pyrgulopsis idahoensis</i>)	LE
PROPOSED SPECIES	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

ADAMS COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Northern Idaho ground squirrel (<i>Spermophilus brunneus brunneus</i>)	LT
Steelhead trout (<i>Oncorhynchus mykiss</i>)	LT - NOAA Fisheries jurisdiction
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Spring/summer chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
Fall chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
Bull trout (<i>Salvelinus confluentus</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Southern Idaho ground squirrel (<i>Spermophilus brunneus endemicus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

BANNOCK COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Utah valvata snail (<i>valvata utahensis</i>)	LE
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

BEAR LAKE COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
None	

BENEWAH COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Bull trout (<i>Salvelinus confluentus</i>)	LT
Water howellia (<i>Howellia aquatilis</i>)	LT
Spalding's catchfly (<i>Silene spaldingii</i>)	LT

PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Slender moonwort (<i>Botrychium lineare</i>)	
Yellow-billed cockoo (<i>Coccyzus americanus</i>)	
Proposed Critical Habitat for Bull Trout	Yes

BINGHAM COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Utah valvata snail (<i>valvata utahensis</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

BLAINE COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Bull trout (<i>Salvelinus confluentus</i>)	LT
Steelhead (<i>Oncorhynchus mykiss</i>)	LT - NOAA Fisheries jurisdiction
Spring/summer chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
Sockeye salmon (<i>Oncorhynchus nerka</i>)	LE - NOAA Fisheries jurisdiction
Utah valvata snail (<i>Valvata utahensis</i>)	LE
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	

Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

BOISE COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Bull trout (<i>Salvelinus confluentus</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

BONNER COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	LT
Woodland caribou (<i>Rangifer tarandus caribou</i>)	LE - Above 4000' in the Selkirkecosystem
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Bull trout (<i>Salvelinus confluentus</i>)	LT
Grizzly bear (<i>Ursus arctos</i>)	LT
Canada lynx (<i>Lynx canadensis</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Slender moonwort (<i>Botrychium lineare</i>)	

Proposed Critical Habitat for Bull Trout	Yes
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BONNEVILLE COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Ute ladies'-tresses (<i>Spiranthes diluvialis</i>)	LT
Utah valvata snail (<i>Valvata utahensis</i>)	LE
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

BOUNDARY COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	LT
Canada lynx (<i>Lynx canadensis</i>)	LT
Woodland caribou (<i>Rangifer tarandus caribou</i>)	LE - Above 4000' in the Selkirk ecosystem
Grizzly Bear (<i>Ursus arctos</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Kootenai River white sturgeon (<i>Acipenser transmontanus</i>)	LE
Bull trout (<i>Salvelinus confluentus</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Slender moonwort (<i>Botrychium lineare</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

BUTTE COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bull trout (<i>Salvelinus confluentus</i>)	LT
Bull Trout	
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

CAMAS COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bull trout (<i>Salvelinus confluentus</i>)	LT
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Utah valvata snail (<i>Valvata utahensis</i>)	LE
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
None	
Proposed Critical Habitat for Bull Trout	Yes

CANYON COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population

Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Idaho springnail (<i>Pyrgulopsis idahoensis</i>)	LE
PROPOSED SPECIES	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	

CARIBOU COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

CASSIA COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Snake River physa snail (<i>Physa natricina</i>)	LE
Utah valvata (<i>Valvata utahensis</i>)	LE
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Christ's paintbrush (<i>Castilleja christii</i>)	C

CLARK COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Grizzly bear (<i>Ursus arctos</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

CLEARWATER COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Bull trout (<i>Salvelinus confluentus</i>)	LT
Steelhead (<i>Oncorhynchus mykiss</i>)	LT - NOAA Fisheries jurisdiction
Fall chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
None	
Proposed Critical Habitat for Bull Trout	Yes

CUSTER COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential

	population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Steelhead trout (<i>Oncorhynchus mykiss</i>)	LT - NOAA Fisheries jurisdiction
Spring/summer chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
Sockeye salmon (<i>Oncorhynchus nerka</i>)	LE - NOAA Fisheries jurisdiction
Bull trout (<i>Salvelinus confluentus</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

ELMORE COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Snake River physa snail (<i>Physa natricina</i>)	LE
Bliss Rapids snail (<i>Taylorconcha serpenticola</i>)	LT
Idaho springsnail (<i>Fontelicella idahoensis</i>)	LE - Mainstem Snake River Only
Bull trout (<i>Salvelinus confluentus</i>)	LT
PROPOSED SPECIES	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

FRANKLIN COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

FREMONT COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Grizzly bear (<i>Ursus arctos</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Ute ladies'-tresses (<i>Spiranthes diluvialis</i>)	LT
Utah valvata (<i>Valvata utahensis</i>)	LE
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

GEM COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT
Bull trout (<i>Salvelinus confluentus</i>)	LT
PROPOSED SPECIES	

CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Southern Idaho ground squirrel (<i>Spermophilus brunneus endemicus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

GOODING COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Snake River physa snail (<i>Physa natricina</i>)	LE
Bliss Rapids snail (<i>Taylorconcha serpenticola</i>)	LT
Utah valvata snail (<i>Valvata utahensis</i>)	LE
Banbury Springs lanx (<i>Lanx sp.</i>)	LE
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

IDAHO COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Steelhead trout (<i>Oncorhynchus mykiss</i>)	LT - NOAA Fisheries jurisdiction
Bull trout (<i>Salvelinus confluentus</i>)	LT
Spring/summer chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction

Fall chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
Sockeye salmon (<i>Oncorhynchus nerka</i>)	LE - NOAA Fisheries jurisdiction
MacFarlane's four-o'clock (<i>Mirabilis macfarlanei</i>)	LT
Spalding's catchfly (<i>Silene spaldingii</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
None	
Proposed Critical Habitat for Bull Trout	Yes

JEFFERSON COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Ute ladies'-tresses (<i>Spiranthes diluvialis</i>)	LT
Utah valvata snail (<i>Valvata utahensis</i>)	LE
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

JEROME COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Utah valvata snail (<i>Valvata utahensis</i>)	LE
Bliss Rapids snail (<i>Taylorconcha serpenticola</i>)	LT

Snake River physa snail (<i>Physa natricina</i>)	LE
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

KOOTENAI COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	LT - North of Interstate 90
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bull trout (<i>Salvelinus confluentus</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Water howellia (<i>Howellia aquatilis</i>)	LT
Spalding's catchfly (<i>Silene spaldingii</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Slender moonwort (<i>Botrychium lineare</i>)	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	
Proposed Critical Habitat for Bull Trout	Yes

LATAH COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bull trout (<i>Salvelinus confluentus</i>)	LT
Steelhead (<i>Oncorhynchus mykiss</i>)	LT - NOAA Fisheries jurisdiction
Spalding's catchfly (<i>Silene spaldingii</i>)	LT

Water howellia (<i>Howellia aquatilis</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
None	
Proposed Critical Habitat for Bull Trout	Yes

LEMHI COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Fall chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
Steelhead trout (<i>Oncorhynchus mykiss</i>)	LT - NOAA Fisheries jurisdiction
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Spring/summer chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
Bull trout (<i>Salvelinus confluentus</i>)	LT
Sockeye salmon (<i>Oncorhynchus nerka</i>)	LE - NOAA Fisheries jurisdiction
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

LEWIS COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering area
Bull trout (<i>Salvelinus confluentus</i>)	LT

Steelhead trout (<i>Oncorhynchus mykiss</i>)	LT - NOAA Fisheries jurisdiction
Spalding's catchfly (<i>Silene spaldingii</i>)	LT
Fall chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

LINCOLN COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Utah valvata (<i>Valvata utahensis</i>)	LE
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering area
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

MADISON COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering area
Canada lynx (<i>Lynx canadensis</i>)	LT
Ute ladies'-tresses (<i>Spiranthes diluvialis</i>)	LT
Utah valvata snail (<i>Valvata utahensis</i>)	LE
PROPOSED SPECIES	
None	

CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

MINIDOKA COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Snake River physa snail (<i>Physa natricina</i>)	LE
Utah valvata snail (<i>Valvata utahensis</i>)	LE
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

NEZ PERCE COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Steelhead trout (<i>Oncorhynchus mykiss</i>)	LT - NOAA Fisheries jurisdiction
Bull trout (<i>Salvelinus confluentus</i>)	LT
Spring/summer chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
Fall chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
Sockeye salmon (<i>Oncorhynchus nerka</i>)	LE - NOAA Fisheries jurisdiction
Spalding's catchfly (<i>Silene spaldingii</i>)	LT
PROPOSED SPECIES	
None	

CANDIDATE SPECIES	
None	
Proposed Critical Habitat for Bull Trout	Yes

ONEIDA COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering area
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

OWYHEE COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Snake River physa snail (<i>Physa natricina</i>)	LE
Bliss Rapids snail (<i>Taylorconcha serpenticola</i>)	LT
Idaho springsnail (<i>Fontelicella idahoensis</i>)	LE
Bull trout (<i>Salvelinus confluentus</i>)	LT
Bruneau hot springsnail (<i>Pyrgulopsis bruneauensis</i>)	LE
PROPOSED SPECIES	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Columbia spotted frog (<i>Rana luteiventris</i>)	C - Great Basin population

PAYETTE COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Bull trout (<i>Salvelinus confluentus</i>)	LT
Idaho springsnail (<i>Pyrgulopsis idahoensis</i>)	LE - Mainstem Snake River only
PROPOSED SPECIES	
CANDIDATE SPECIES	
Southern Idaho ground squirrel (<i>Spermophilus brunneus endemicus</i>)	C
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

POWER COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Utah valvata snail (<i>Valvata utahensis</i>)	LE
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

SHOSHONE COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	LT - North of Interstate 90
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Bull trout (<i>Salvelinus confluentus</i>)	LT

Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Water howellia (<i>Howellia aquatilis</i>)	LT
Spalding's catchfly (<i>Silene spaldingii</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	
Slender moonwort (<i>Botrychium lineare</i>)	
Proposed Critical Habitat for Bull Trout	Yes

TETON COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Grizzly bear (<i>Ursus arctos</i>)	LT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

TWIN FALLS COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Snake River physa snail (<i>Physa natricina</i>)	LE
Bliss Rapids snail (<i>Taylorconcha serpenticola</i>)	LT
Utah valvata (<i>Valvata utahensis</i>)	LE

Bull trout (<i>Salvelinus confluentus</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Columbia spotted frog (<i>Rana luteiventris</i>)	C - Great Basin population

VALLEY COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Canada lynx (<i>Lynx canadensis</i>)	LT
Northern Idaho ground squirrel (<i>Spermophilus brunneus brunneus</i>)	LT
Steelhead trout (<i>Oncorhynchus mykiss</i>)	LT - NOAA Fisheries jurisdiction
Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Fall chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
Spring/summer chinook salmon (<i>Oncorhynchus tshawytscha</i>)	LT - NOAA Fisheries jurisdiction
Bull trout (<i>Salvelinus confluentus</i>)	LT
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

WASHINGTON COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
Northern Idaho ground squirrel (<i>Spermophilus brunneus brunneus</i>)	LT

Bald eagle (<i>Haliaeetus leucocephalus</i>)	LT - Wintering/Nesting area
Bull trout (<i>Salvelinus confluentus</i>)	LT
Idaho springsnail (<i>Pyrgulopsis idahoensis</i>)	LE - Mainstem Snake River only
PROPOSED SPECIES	
None	
CANDIDATE SPECIES	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C
Southern Idaho ground squirrel (<i>Spermophilus brunneus endemicus</i>)	C
Proposed Critical Habitat for Bull Trout	Yes

Appendix 10

Identification of Ute Ladies'-tresses

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U.S. Fish & Wildlife Service
Mountain-Prairie Region
Endangered Species Program

Ute Ladies'-Tresses Orchid
(Spiranthes diluvialis)



Photos by Lucy Jordan

Species Description: Ute-ladies'-tresses orchid is a perennial, terrestrial orchid with stems 20 to 50 centimeters (8 to 20 inches) tall, arising from tuberously thickened roots. Its narrow (1.0 cm / 0.39 in) leaves can reach 28 cm (11 in) long. Basal leaves are the longest and become reduced in size up the stem. The flowering stalk consists of few to many small white or ivory flowers clustered into a spike of 3-rank spirals at the top of the stem. The species is characterized by whitish, stout, ringent (gaping at the mouth) flowers. The lip petal is somewhat constricted at the median. It blooms, generally, from late July through August.

S. Diluvialis is distinguished from *S. romanzoffiana* by whitish, stout, ringent (gaping at the mouth) flowers, lip petal exposed in lateral view, sepals free or connate at base for a short distance rather than fused to form a prominent hood above the lip, and technical lip characteristics.

Location: Populations of Ute ladies'-tresses orchids are known from three broad general areas of the interior western United States -- near the base of the eastern slope of the Rocky Mountains in southwestern Wyoming and adjacent Nebraska and north-central and central Colorado; in the upper Colorado River basin, particularly in the Uinta Basin; and in the Bonneville Basin along the Wasatch Front and westward in the eastern Great Basin, in north-central and western Utah, extreme eastern Nevada, and southeastern Idaho. The orchid also has

been discovered in southwestern Montana and in the Okanogan area and along the Columbia River in north-central Washington.

The orchid occurs along riparian edges, gravel bars, old oxbows, high flow channels, and moist to wet meadows along perennial streams. It typically occurs in stable wetland and seepy areas associated with old landscape features within historical floodplains of major rivers. It also is found in wetland and seepy areas near freshwater lakes or springs.

In Idaho it is generally at elevations between 1,800-7,000 feet.

Actions: On January 17, 1992, the Ute-ladies'-tresses orchid was designated as Threatened in its Entire Range. Within the area covered by this listing, this species is known to occur in Colorado, Idaho, Montana, Nebraska, Utah, Washington, and Wyoming.